

103
INDOCHINESE REFUGEES

Y 4. F 76/1: IN 2/15/994

Indochinese Refugees, 103-2 Hearing...

HEARING

BEFORE THE

SUBCOMMITTEE ON
ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

APRIL 26, 1994

Printed for the use of the Committee on Foreign Affairs



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INDOCHINESE REFUGEES

TUESDAY, APRIL 26, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
Washington, DC.

The committee met, pursuant to call, at 1:43 p.m., in room 2172, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order.

I believe that this hearing is long overdue. The problems and challenges faced by refugees in Indochina are the source of a great deal of concern, not only to friends, relatives and organizations representing refugee groups in the United States, but also to many Members of Congress and to the Americans that they represent.

In some cases, the choices that Indochinese asylum seekers face may literally be choices of life or death. This is not a circumstance that we can afford to treat lightly; we must make every effort to ensure that we do not abandon our principles for those who, out of principle, sided with the United States in the war. To do so would be a sin.

Under any circumstances, we should do what we can to see that the decisions made by them or others about them are made equitably. But in the case of those in the camps to whom we may owe a debt of honor, we have an absolute and unswerving obligation to ensure that they have the freedom to choose, and if they choose to be resettled, that their choice is respected and acted upon expeditiously.

But who are they? And what are their circumstances? Some claim there is a "bloody civil war" underway in Laos, and that would certainly affect our considerations if it is true. But others believe claims of a civil war in Laos are preposterous. Some claim Hmong are being forced to repatriate, others that Hmong—even some eligible to resettle in the United States or elsewhere, are choosing on their own to return.

How easy it would be to resolve the problems, eliminate the angst, and rekindle the hopes of those who still languish in the camps of Thailand and Hong Kong if only we had some way to separate fact from fiction with absolute certitude. If we had the ability to divine the truth, we would know which, if any, Vietnamese refugees in Hong Kong truly fear to return to Vietnam for reasons of religion, race, nationality, group membership or political views. We would know, without the possibility of a mistake in the "screening" process, which choice is best—repatriation or resettlement—for

each and every Hmong in Thailand. We would know beyond a doubt whether Vietnam and Laos are intent on persecuting those who choose to return, or whether their agendas have turned away from the past and toward the future.

But we do not have that ability, and so we will have to be more realistic. We will have to weigh the facts as best we can. To do this, we must have the best information available. We must look for information that can be substantiated by something more than hearsay. We will try to do that today.

So too, must those in the camps. We need to ensure that as much information as possible—accurate, objective, neutral information—gets into the camps. It would seem to me that residents in the camps could make the right decisions about their futures by themselves if they had the benefit of that kind of information.

But getting accurate, unbiased information into the camps is more easily said than done. Not because we cannot seem to identify conclusively what the facts are. Any realist should be willing to weigh the evidence and come to some conclusions about what is likely fact, and what is likely fiction. Instead, our problem is more the nature of the information that is reaching the camps, mostly in Thailand, but also to some extent in Hong Kong. It seems to be zero-sum information, with no room for gray in a world of black and white. It is frequently unsupported by anything but hearsay. It tends to be the product of groups motivated by objectives other than the sole objective of a better way of life for those in the camps.

In short, it is my observation that the plight of Indochinese refugees generally is compounded by poor information, hearsay, innuendo, fabrication, and distortion.

Many Hmong in the Thai camps do have a choice, but are dogged by indecision over which choice to make.

In Hong Kong, the opposite is true. There, the majority of Vietnamese, some 38,000 people, do not have the same choice. The lives of many of these people will likely improve as they learn of the improved economic climate in Vietnam and make the decision to return. Yet we need desperately to know whether, among that majority, there are any still to whom we owe an irrevocable debt of honor.

We do not know who they are; the screening process in Hong Kong may not have caught them. But perhaps the Vietnamese Government will. These people must not be returned, at least not now.

So the purpose of our meeting today is to weigh the evidence. We will hear experts on Indochina refugee issues, even though they do not always agree one with the other. We had, in fact, hoped to have more schools of thought contending today, at least on the Hmong issues, than has proven to be the case. Witnesses from two important Hmong groups have informed this subcommittee that they are unwilling to testify because they have been threatened with personal harm by a third Hmong group which does not, apparently, want the Congress to have the benefit of their views. Without objection, I will now move to have written testimony submitted to me by these and other Hmong unable to appear in person be entered into the record. Without objection, it is so ordered.

It has always been my impression that when schools of thought contend, each argument—not just one or two—is supposed to be

judged on the merits. This is the cornerstone of the democratic process.

And if the U.S. Congress is to be denied this process, I would question the likelihood that groups with somewhat less influence can be given the kind of comprehensive, objective information they need to decide their futures. But decide they must, for the camps in Thailand and Hong Kong will not stay open much longer.

I want to welcome our witnesses to the hearing. My colleague and good friend Bruce Vento will testify first, and he will be followed by two distinguished experts from the Department of State, Acting Director Phyllis Oakley of the Bureau of Refugee Programs and Deputy Assistant Secretary Tom Hubbard of the Bureau of East Asia and the Pacific.

Participants on our panel on Vietnam will be Mr. Lionel Rosenblatt of Refugees International, Dr. Nguyen D. Thang of Boat People SOS, and Mr. Ngo Van Ha.

We are pleased to have two panels focused on the Hmong situation. On the first of these, we will be pleased to welcome former CIA Director William Colby; UNHCR representative Dawn Calabria; and Mr. Hiram Ruiz, the U.S. Committee on Refugees; Dr. Jane Hamilton-Merritt, scholar on the Hmong; and Ms. Connie Woodberry of the Consortium of nongovernmental organizations working in Laos. On our final panel—we will be here for a while—we welcome Mr. Vang Pobzeb of the Lao Human Rights Council; Mr. Soua Her, representative of the Democratic Chao Fa Party of Laos; and Ms. Dia Cha of Hmong National Development, Incorporated, and Refugees International.

Welcome, all. Opening statements from our colleagues. Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman, and thank you for agreeing to hold this hearing on a subject of vital importance to many people in my district and throughout the United States.

Mr. Chairman, we have an overflow crowd here today, and there are many more out in the hallway. Many of these people are my constituents from northeast Wisconsin. Some of them have lost family members in the terrible situation in Laos and Thailand.

These people have come to us today with tears streaming down their faces as they relate the loss of husbands and brothers and mothers and wives in their efforts to help Americans during the Vietnam war. If the accounts of forced repatriation are true, it is scandalous that the United States is spending millions of dollars in support of a repatriation policy which betrays the Hmong people, the same people who risked their own lives to save so many American soldiers in Vietnam. And I ask my colleagues in Congress to pay attention to the repatriation policy.

In response to the State Department and the United Nations have asserted two things: first, they claim that no Hmong refugees are being forcibly repatriated to Laos; and second, they assert that there is no evidence of harm coming to Hmong who have returned to Laos. And that is one of the reasons that this hearing is so important today, so that we have a real airing of this issue and so Congress knows what is taking place there.

However, I have heard several reports from diverse sources that Hmong refugees, such as Yung Van Kung's family, are being sent back to Laos against their will. If the United States is in any way

knowingly supporting a policy resulting in forced repatriation, why, it would be reprehensible.

I am also not convinced that it is safe for these refugees to return to Laos. Past massacres of Hmong trying to flee Laos are well documented. I want to be reassured that the Lao Government now allows Hmong to return to Laos without retribution.

Mr. Chairman, I hope that this hearing today will serve two purposes. First, we must get to the truth of the current situation; quite simply, are Hmong refugees being sent to Laos against their will and are they safe if they return to Laos. And second, I hope that some of the witnesses will offer options that we could pursue in addressing these problems. There is probably no easy answer.

Given the current concerns about the burdens of immigration in our own country, concerns which I share, throwing open our borders to the remaining Hmong in Thailand is not feasible, nor do many of the Hmong refugees in Thailand wish to come to the United States. But let me underscore, the Hmong people are facing problems in Thailand, but the solution does not lie with more Hmong coming to the United States. The answer lies in a peaceful resettlement in Laos, and the U.S. Government should guarantee that such peaceful resettlement is taking place.

However, given the heroism shown by these people in defense of American lives during the war in Vietnam, we cannot and must not turn our backs on these people. And I share your comments, Mr. Chairman—your opening comments in this respect, and I look forward to hearing from our witnesses. And I thank the Chairman and the other members for being here today.

Mr. ACKERMAN. Thank you very much. We are privileged to be joined today by Congressman Tom Foglietta.

Mr. FOGLIETTA. Thank you, Mr. Chairman.

[Sound system malfunction.]

Mr. FOGLIETTA. I have been interested in the situation, and a few years ago—flew over to, first, Thailand—I remember talking to many of the few who were then living—I then travelled on to Laos, where I met the—minister, who, after 2 days of discussions, agreed with me that they were allowed—to come back—They were very—to make that distinction.—the people—they were—even though they had—by talking to the officials—they would not be—for observers there to make sure of their safety.—gone back to Laos, and again talked to officials—at the time, was able to—to the fact that the observer—that those who were—in any way the people—that this is not totally—observers, although it is not—The fact is that the Hmong people seem to be—with their—and they say—Many of them do not look to go back to either Thailand or—satisfied that they were—And at that point the officials of Thailand did say that under those circumstances they—in Thailand. I think that—they don't want to be where they are—I am very anxious to hear what the further developments are in—and I am definitely concerned about whether or not—and although—repatriation efforts back into Laos are—can be returned—

[Malfunction corrected.]

Mr. ACKERMAN. Thank you very much. Our ranking member, Mr. Leach.

Mr. LEACH. Thank you, Mr. Chairman.

Mr. ACKERMAN. I think there may be something wrong with the members' microphones. Pull them—or lean a little into it and see if they are working, or tap it or something. None of them are working. Could we—

Mr. FOGLIETTA. That might be a blessing.

Mr. LEACH. Let me speak up for a second. We have some very moving and troubling issues before us. But before discussing them or commenting on them, I want to comment on the Chairman's opening comments and suggest that this meeting is off to a very troubling beginning.

The fact of the matter is if several groups could not come before this committee because they were coerced, this is a matter of seldom-precedented magnitude before the U.S. Congress. And one of the things that is—has to be understood by new Americans is that the rubric of the Constitution of the United States applies to everyone, whether they are citizens or noncitizens, whoever steps on these shores. And if there has been an effort to coerce anybody not to speak before the U.S. Congress, that is a matter of extraordinary magnitude.

And I will suggest to the Chairman that we have an obligation to look into it, and if anyone has been coerced not to speak to this body, I am asking them to present that material to us. It is a matter for investigation of the U.S. Government that the right of freedom of speech is hallowed in the United States and the right of differing perspectives is respectful whether one be a new or old American, a citizen or noncitizen. And I only stress this, Mr. Chairman, because I have never heard in my time in this body it presented that the witness did not come because they were coerced by another witness or another group with a differing perspective.

Having said that, let me stress that these issues are very profound. All Americans have roots in other societies, some newer than others, and their difference of opinion that relate to the foreign and domestic policies of those societies. But they are to be expressed in reasonable and decent ways. As Mr. Roth has pointed out, we have long-time historical ties to many of these groups in the region. And certainly from personal experience and anecdotal experience and statistical data, new Americans have provided enormous inputs into this country. And we respect that and we hope that these issues will be settled.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much, and the Chair does intend to pursue this matter in discussion with our ranking minority member. We will confer on it.

Mr. LEACH. At the risk of proceeding for a second more on this matter. We have precedent in this committee over the last decade and a half that there are offices set up with the Department of Justice precisely to deal with coercion of American citizens tied to their roots in other lands. This has occurred from time to time with several Asian countries, as well as several East European countries, and it is an intolerable circumstance, and that we will coordinate anyone's view that they have been coerced from freedom of speech.

Mr. ACKERMAN. Thank you very much. The ranking member of the full committee, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank you for conducting this hearing. And although the Vietnam war ended—it has been 20 years ago—thousands of those who aligned themselves with us still suffer from its outcome. And until their needs permit they are safely getting on with their lives, we still owe them a debt—they and their children.

[Sound system malfunction.]

Mr. GILMAN [continuing]. Vietnamese assistance.—among other things—welcome there.—To this day, conditions in Laos are unsafe for their return.—investigate the—in Laos—inadequate—replaced by—monitors—For example,—documents—repatriated to—Laos.—our staff—the capital city, Vientiane. Likewise, all—not on staff—According to the most recent report,—citizens who—government. Along with—were peacefully demonstrating—A recent article by Mark Kaplan in the Philadelphia Inquirer confirms that the—all the areas in Laos are being monitored—the Lao Government—monitored—security—Laos—ongoing bloody civil war in Laos will not—monitoring by international—Mr. Chairman, until a true—investigation—not solely relied on—the State Department or NGO's—

We look forward to hearing the testimony of the witnesses today. Thank you, Mr. Chairman.

[Malfunction corrected.]

Mr. ACKERMAN. Thank you, Mr. Gilman. Mr. Rohrabacher.

Mr. ROHRABACHER. Very briefly, Mr. Chairman.

Laos is a Communist dictatorship with a repressive government. Mr. Chairman, there is no protection of anyone's human rights in Laos. The regime can persecute anyone it wants to with impunity. The Hmong have been in conflict with the regime, which is armed to the teeth, since the Vietnam war. The Hmong, as you know, fought on our side. We can't expect that the Hmong refugees who are forced back to Laos will be safe, especially since there are no human rights monitors allowed in Laos. Thailand has accepted refugees not only from Laos, but also from Cambodia, Burma, and Vietnam. Thailand has been generous in their support for victims of turmoil in neighboring states. We shouldn't condemn the Thai for not being generous enough. Our criticism should not focus on the Thai, but on the Communist despots in Laos who are causing this problem. Mr. Chairman, word should go out to dictators who still hold power in Laos, the United States will accept you as a legitimate country after you hold free elections and respect human rights and the rule of law. Until then, Laos will continue to be a corrupt, backward, and impoverished country.

Thank you very much, Mr. Chairman.

Mr. ACKERMAN. Thank you very much. Mr. Martinez.

Mr. MARTINEZ. I have no statement.

Mr. ACKERMAN. We are joined, as well, by Congressman Gunderson of Wisconsin. Welcome.

Mr. GUNDERSON. Thank you very much, Mr. Chairman. In the interest of time, I do not want to make a statement, except to thank you very much for your willingness to look into this issue.

I only want to echo the remarks of a couple of my colleagues, Mr. Rohrabacher, Mr. Gilman, and those of Mr. Roth and Mr. Leach as well, that there are simply too many questions existing unan-

swered at this point in time to allow this process to continue until at least the Congress of the United States is far more comfortable with what is being done than we are today, and I hope we can gather that information from this hearing.

I, like many of you, have a large Hmong constituency in my district. We—many, many unfortunate cases have been brought to our attention of family members who have been repatriated in what appear to be less than voluntary circumstances. And I hope we can investigate that situation.

Thank you very much, Mr. Chairman.

Mr. ACKERMAN. Thank you, Mr. Gunderson.

At last to our witnesses. We are pleased to have with us our colleague Bruce Vento from Minnesota, a champion always of causes of human rights, and he has taken a special interest in the particular issue before us today.

STATEMENT OF THE HON. BRUCE F. VENTO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. VENTO. Thank you, Mr. Chairman, and it is evident from the response of the membership of the subcommittee and full committee that the members have really dug into the issue of refugee resettlement and repatriation. I especially appreciate your work and the work of your staff, and that of Tom Foglietta, who has visited Thailand and Laos. And, I am concerned about the possibility that some people were discouraged from testifying.

But let me turn to my testimony. I am here to amplify the concerns of my constituents in St. Paul, such as Sai Vang. He is a long time friend. He reminded me yesterday when I visited with him that he had been in St. Paul for nearly as long as I had been in Congress.

They are concerned about conditions in the refugee camps. St. Paul, incidentally, has a big population of Hmong—in fact, in excess of 11,000 people and it comprises a significant population of St. Paul schools—over 25 percent of the public school students are Hmong. A number of people are very concerned about what is happening in refugee camps in Thailand and about conditions in Laos to which some of the Hmong people would be returning.

Mr. Chairman, I am also here to learn and to hear other witnesses that are appearing before this subcommittee. There is a real need to have these questions and concerns expressed, and to have answers presented in a public forum. I am hopeful that the Subcommittee on Asia and the Pacific hearing will be an important step toward sorting out the confusing reports regarding the situation in Thai refugee camps pertaining to the screening and repatriation process the atmosphere which faces those returning to Laos.

The Thai Government, along with the Laotian Government and the United Nations High Commission for Refugees, have developed a plan committing the parties to the safe resettlement and voluntary return of refugees and Laotian asylum seekers. But there have been questions raised about how this plan is being implemented and they should be answered.

This is a very emotional issue and the situation of the Hmong people is a special one. After fighting alongside U.S. forces in the Vietnam war and suffering a large number of casualties, the

Hmong essentially lost their homeland. They were targeted for elimination by the Laotian Government once U.S. forces withdrew. The United States must remain involved and concerned about the Hmong people who paid a very high price for their loyal service to the United States.

I am aware that the U.N. High Commissioner for Refugees does not always accept the credible claim to participation in the pre-1975 military or to the post-1975 involvement in the resistance in and of itself as grounds for according refugee status. Ironically, there are also reports that some of those people in the refugee camps, who have been screened by Thai officials and found ineligible for resettlement, would actually meet the criteria of the U.S. Immigration and Naturalization Service for refugee status; not an easy threshold to achieve. We need to know why the criteria may be different and if there is a regular review process of such cases which have been screened-out.

I might add, Mr. Chairman, in reviewing the information for the hearing, the U.S. Committee for Refugees reported that there are about 56,000 people in the two camps. I do not know if all of them have been screened, but in the one camp, there were 31,000 that were screened-in, meaning they are eligible for resettlement, and in the other camp, over 13,000 of the almost 15,000 were screened-in. So the real paradox here, of course, is that but for the limitations in terms of immigration quotas from Southeast Asia, most of these people would have a different choice.

So I think that the United States here is sort of in a contradiction. Obviously, this does not really represent the type of choice that is represented in the statements that are being made.

Mr. Chairman, I have, in addition, legislation pending which would ease U.S. citizenship requirements for the Hmong who served alongside U.S. forces in Vietnam, which you may be interested in. They, of course, served in the special guerrilla units formed by the CIA. The Hmong have faced barriers to citizenship, such as language and the residency requirement. Their loyal service is the basis. So what we are trying to do is to waive the English test because most Hmong at that time were unable to take advantage of any educational opportunities because they were in a war zone and serving in a military service. That, of course, is before a different committee and only affects Hmong in the United States.

One of the apparent problems of the situation in the camps and with the return of Hmong to Laos is the presence of conflicting information on conditions. As you know, accusations are being made concerning forced repatriation; while at the same time, we are told that many in the camps who are eligible for resettlement in a third country choose, instead, to return to Laos.

I am certain that life in these camps is not easy or pleasant, and I believe that most people in the camps would prefer to be living a more normal life elsewhere. But it is difficult for them to know how to start anew after many years in such refugee camps. These people, who have been through the screening process, whether screened-in or out, are facing difficult decisions about their future. Life for those who return to Laos, even if it is safe, is certainly not going to be easy.

Previously, not much evidence has been gathered by officials and monitoring groups to support claims being made about persecution being perpetrated by the Laotian Government. With the disappearance of Vue Mai, a leader of the Hmong, concerns about the safety of those people being repatriated have increased. It is still not known what happened to him and he disappeared in September of 1993; but rumors abound.

I have also been concerned about, and have corresponded with both the U.S. State Department and the U.S. Embassy in Bangkok, concerning the 305 Hmong people who, having been found ineligible for resettlement, bribed Thai Government officials in order to be placed on the list of those eligible for resettlement.

I think what this really points out is the sort of desperate situation that exists and the vulnerability of these people in the camps in terms of their effort not to be repatriated. They obviously are not convinced, as the State Department is or the U.N. High Commissioner for Refugees or other groups are about the safety of returning to Laos, when they are willing to put everything they have into such a desperate act. I think it speaks for itself.

After the 305 were transferred to the camp from which people were resettled, they were found out and transferred back to the camp from which they would be repatriated. I understand that the Thai Government has conducted an investigation into the case and their report is due out shortly. I have also learned from the U.S. State Department that about 73 of the people have now voluntarily repatriated.

I think the question persists. Obviously, we are not in the position to question the Thai Government too carefully when we are really trying to work with them to keep the camps open. We are not in what I would call a strong position with the Thai Government concerning the conditions in these camps nor are we with the Government of Laos.

After the desperate attempts of these 305 people to avoid returning to Laos, their decision to voluntarily return raises questions in my mind about the repatriation process, in which we say there is no force used.

There is a need for a more open discussion of these incidents and about the general situation in the various camps and in Laos. It is essential that we know if is reasonably safe for the Hmong people to return because, ultimately, those who have been screened-out will likely be returning to Laos and I expect even some of those that have been screened-in, that may get tired of sitting in a refugee camp, will be returning, because there is no alternative.

Given these circumstances, I feel it is necessary for us to gain a clear picture of whether there is pressure to return, the nature of the process and its inherent contradictions, which I have been speaking to. It is imperative that the people in the camps have truthful information about what they can expect upon returning to Laos. Life for those who return will be difficult under any circumstances, but there are organizations working in Laos to make the transition from camps easier for those returning.

But the subcommittee and the Congress, Mr. Chairman, the bottom line is, we must see beyond just good intentions to the reality of what is actually occurring. Frankly, the positive State Depart-

ment reports would be hard to accept under the best of circumstances. In this instance, the returnees hardly face the ideal: friends and family have been scattered; homes, property and land claims are beyond redemption; ethnic differences persist; and resentment and political polarization remain. These returnees are strangers in their own land of Laos. Add to this the possible overt or covert actions of a government, or a political group and a successful return is nearly impossible to attain.

After sometimes more than a decade in refugee camps, the Hmong deserve more than just good intentions. They need strong guarantees for their personal safety.

The outrageous actions of the 1970's in Southeast Asia after Vietnam are strong in my thoughts and in those of the people I represent. We cannot and must not let them even be intimidated in Laos in the 1990's. I am hopeful that having an open dialogue about these issues will help to create a greater understanding of the system and the roles of various organizations involved.

I sincerely hope that the fact that people were discouraged from appearing today does not invalidate the hearing being conducted. As I have reviewed the witness list, it appeared that numerous perspectives are being represented.

At present, what we seem to have are a lot of questions and we need some answers. I think it is time that we talk about this candidly and we recognize what our ability, and what the ability of our State Department and country is in this particular situation; and more importantly, that we recognize our responsibility to the Hmong people, Mr. Chairman.

I would be happy to respond to questions. I know you have a long list, Mr. Chairman, of witnesses.

Mr. ACKERMAN. Thank you very much, Mr. Congressman, for sharing your perspective with us. Any questions?

Thank you very much.

Mr. VENTO. Thank you, Mr. Chairman. Mr. Chairman, could I have permission to sit with the committee?

Mr. ACKERMAN. You are a most welcome addition to our panel.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. ACKERMAN. Panel II: The Honorable Phyllis Oakley, Acting Director, Bureau of Refugee Affairs of the Department of State; and the Honorable Tom Hubbard, Deputy Assistant Secretary, Bureau of East Asia and Pacific Affairs of the Department of State. Welcome to both of you, welcome back to our committee. We are anxious to hear from you on the subject before us today.

Do you have a preferred order of presentation?

STATEMENT OF PHYLLIS OAKLEY, ACTING DIRECTOR, BUREAU OF REFUGEE AFFAIRS, DEPARTMENT OF STATE

Ms. OAKLEY. Mr. Chairman, and members of the committee, I am very pleased to be here this afternoon. I am Phyllis Oakley, the Acting Director of the Bureau of Refugee Programs. I will be giving the testimony, but I would certainly like to introduce my colleague, Tom Hubbard, from the Bureau of East Asia and Pacific Affairs, and also a deputy from the Bureau of Human Rights who is with us today, Catherine Dalpino.

I must say that it is a particular pleasure for me to be here. It is my maiden voyage, so to speak, before members of this committee, although I have worked with many of them on various issues through the years. It has been some time since the Bureau for Refugee Programs was last invited to provide formal testimony to this subcommittee, and there have been some dramatic developments since our last appearance—perhaps most notably the successful repatriation of some 370,000 Cambodian refugees who had been in exile for well over a decade.

I would like this afternoon to briefly outline recent developments with respect to Cambodian refugees, to the Comprehensive Plan of Action, or CPA, for Indochinese Refugees, including the Hmong, whom I know are of special concern today, and to Burmese refugees in the region. You have my written statement for the record. I am going to try and make it a little briefer as I go along.

It was a major milestone in international refugee affairs when 1 year ago, in April of 1993, the last of the over 370,000 Cambodian refugees in Thailand were able to return to their home country in safety and dignity as part of a highly organized and publicized U.N. effort to bring peace to Cambodia. The Bureau for Refugee Programs contributed to the overall effort to the tune of \$24 million in earmarked contributions to international and nongovernmental organizations for this repatriation.

The UNHCR has recently surveyed the returnee population with respect to their degree of reintegration. I am pleased to report that some 80 percent are doing well in the sense that they are no worse off, or perhaps no better off, than other Cambodians. The process, however, is not a short one; it is long and difficult. But I think a major refugee program is well on its way to resolution.

Our hopes for a peaceful, stable Cambodia that generates no new refugees have been tempered by several displacements of civilians due to the ongoing hostilities in parts of the country. In late March, some 25,000 civilians fled into Thailand. Regrettably, the Thai Government did not allow international access to the displaced Cambodians, despite our appeals and those of the UNHCR, the ICRC and the Royal Cambodian Government before moving the civilians back into Cambodia.

Both the U.S. Government and Mrs. Ogata of the U.N. issued statements critical of the Thai Government's return of these Cambodians to Khmer Rouge-controlled areas without coordinating with UNHCR to repatriate them voluntarily in safety and dignity to areas of their choice. We also make these points in demarches to the Royal Thai Government in Washington and in Bangkok. A number of U.S. NGO's have added their voices to appeals to handle any new groups of Cambodian and asylum seekers in a manner consistent with international refugee principles.

Another continuing potential cause for refugee concern in Cambodia is the periodic violence against ethnic Vietnamese. We watch all of these situations carefully, remaining in touch with, and drawing on information from, governments, international agencies and nongovernmental organizations.

As you all know, the U.S. Government has been a key player in the multilateral effort to address the Vietnamese boat people issue, known as the Comprehensive Plan of Action for Indochinese Refu-

gees. Adopted in 1989, in response to the continuing large-scale arrivals of Vietnamese boat people, death at sea, and the increasing unwillingness of first-asylum countries to grant open-ended asylum, the CPA has been, in our view—and I think in the views of most people—a model of international burden-sharing and a great success.

The Fifth CPA Steering Committee meeting took place in Geneva in February of this year. That meeting addressed the need to bring the CPA to a successful and humane close now that most refugee determinations have been made, that new arrivals are virtually nil, and that over 60,000 Vietnamese boat people have safely repatriated to Vietnam and begun their reintegration there. The United States joined in the comprehensive consensus statement of the full Steering Committee, which outlined a target of bringing the CPA to a close by the end of 1995 and which noted that henceforth new arrivals would be treated in accordance with normal international principles for asylum seekers, including the all-important principle of nonrefoulement.

While the United States announced at the steering committee that we do not oppose in principle mandatory repatriation of those determined not to be refugees, we noted that, for the time being, such return should not be extended beyond its current application. We arrived at this position after thorough discussions with U.S. nongovernmental organizations and other interested parties.

As you know, this is a very difficult issue. Our goal has been to reconcile our desire to avoid resorting to mandatory repatriation with the realization that screening will soon be completed in all of the first asylum countries and that those who remain will have been determined not to be refugees. Of equal importance is the experience to date of more than 60,000 persons from the camps who have voluntarily returned to Vietnam. They are safe, and are being monitored by the UNHCR, the European Union and the U.S. Government through American nongovernmental organizations, which are implementing nearly \$4 million worth of small scale reintegration projects. We believe that improving economic conditions in Vietnam and the planned opening of the U.S. Liaison Office are both positive developments in this regard.

I know that many of you are also keenly interested in the resettlement of Vietnamese refugees in the United States and in safe migration through the ODP, or Orderly Departure Program. We are working closely with the UNHCR and a number of interested NGO's to ensure that all of those with a valid claim to refugee status are addressed. The U.N. ODP is ongoing and will provide a safety net for cases of special interest to the United States.

As the CPA draws to a close, we intend to continue our major leadership role in ensuring that the Laotian refugee situation, the other major CPA component, is resolved in the same humane and dignified fashion.

The United States has long recognized a responsibility to assure that Hmong refugees and asylum seekers are treated fairly and given appropriate benefits under U.S. law. They made a real contribution to U.S. war efforts and we have a special obligation to them, I firmly believe.

Since the end of our military involvement in Indochina, we have assisted and resettled large numbers—numbers of Hmong who crossed into Thailand. Since 1975, 200,000 Lao have been resettled in the United States, including 106,000 Highland Lao (mainly Hmong) and 94,000 Lowland Hmong—Lowland Lao—excuse me. In each of the last 2 fiscal years, in other words, in fiscal years 1992 and 1993, just under 7,000 Lao came to the United States, and we expect to reach 7,000 again in fiscal 1994. And tentative plans call for the admission of all currently qualified applicants in fiscal year 1995, certainly up to the number again of 7,000. That is our rough working figure.

Voluntary repatriation has also been a solution for many Lao refugees. Since 1980, nearly 19,000 Lao have repatriated to Laos. And over the last years, the percentage of Hmong among the repatriates has increased each year.

Repatriation to Laos is carried out on the basis not only of the CPA, but also of a tripartite arrangement among UNHCR and the Governments of Thailand and Laos that specifically proscribe any use of force. Our embassy officers in Bangkok periodically check repatriation efforts and have confirmed that those who apply for repatriation are free to withdraw up until the very last moment should they develop misgivings. UNHCR, as I think you all know, manages the repatriation process, and assists and monitors the safety of those who return.

Since the beginning of the CPA in 1989, the United States has contributed significant funding to UNHCR for assistance to Lao-tians, as well as to Vietnamese. In fiscal year 1992, we earmarked \$2 million to UNHCR for use in programs to assist Lao/Hmong repatriation, including reintegration assistance to Laos. Of this amount, \$1.5 million was mandated by Congress to be spent through nongovernmental organizations for assistance to Hmong repatriates. These funds were used for NGO projects such as family garden plots, small-scale irrigation, housing and sanitation, facilities, and training in animal husbandry. The Consortium, a U.S. NGO, Irish Concern, and Dutch ZOA have been among UNHCR's implementing partners in this enterprise. Recently, we contributed \$700,000 to the International Organization for Migration for site enhancement projects for returning Hmong. One of my staff members is just arriving in Laos—among the Hmong where he will be reviewing personally the implementation of these projects and their impact.

As you all well know, programs of voluntary repatriation to Laos for Hmong received a setback with the as yet unexplained disappearance of prominent returned refugee Mr. Vue Mai. Since learning of his disappearance, the U.S. Government has repeatedly urged the Lao and Thai Governments to make every effort to meet—to locate Vue Mai and guarantee his welfare.

I had the opportunity to meet earlier this month with Vue Mai's wife and son, who had come to Washington to urge continued action on discovering the fate of their husband and father. We would, of course, welcome an early resolution of the anxiety and fear caused by this disappearance; and we call upon the Government of Laos to make public the results of its investigation as soon as possible.

During the last 2 years, as the CPA has reduced the number of refugees in Thailand, and in order to preclude refugees from supporting Hmong insurgents carrying out operations against Lao targets, the Thai Government has closed two main camps that housed Hmong and other Laotian asylum seekers—Ban Vinai and Chiang Kham—and I apologize if I have mispronounced those names. We understand that the Royal Thai Government plans further camp consolidations this year as part of the CPA end-game process.

Since the majority of Hmong in Thai camps were eligible for resettlement in the United States, but had chosen not to pursue this option, the Thai Government directed that the Hmong had to choose between resettlement or return to Laos. Those choosing repatriations have been sent to Na Pho camp; those choosing resettlement went to Phanat Nikhom for processing. Of the approximately 16,000 Hmong currently in camps in Thailand, and there are roughly 9,000 in Na Pho and 7000 in Phanat Nikhom), fewer than 2,000 have been screened-out; that is, found ineligible for refugee status and must return to Laos. The vast majority had a choice of where they want to go; and many of those who have made this choice have chosen to return to Laos.

The evidence which we have indicates that Hmong are not forced to return to Laos, and when they return, they are not persecuted by the Lao Government or other Lao. We acknowledge that there have been other negative reports on both of these questions and I know that this subject is one that is central to our discussion today. With the exception of Vue Mai, our inquiries lead us to conclude that these other reports have been unfounded, and we have simply not been able to verify them.

We, of course, recognize that given the legacy of past abuses, the international community must remain as vigilant on refugee follow-up as on other repatriation programs. We stand ready to investigate any credible information to the contrary; we have done it in the past and we will certainly continue to do it. We are confident that a U.S. policy of support for the choices made by the Hmong is in their interest and, therefore, in the interest of meeting our responsibilities as a nation to help those who helped us.

With repatriation of the Cambodian refugees from Thailand, the largest group of refugees remaining in the region are the Burmese Rohingya refugees in Bangladesh. Some 50,000 of the original 250,00 Rohingya refugees have already voluntarily repatriated to Burma and the UNHCR is poised to begin organized movements this month. This repatriation program, like all others, will include basic household level assistance to the returnees and some small-scale community projects such as well digging.

Although the Government of Burma continues to be the same repressive regime which generated the refugee outflow, it has, by agreeing to a permanent UNHCR monitoring presence in Arakan State, committed itself to repatriation in safety and in dignity. Moreover, the Rohingyas cannot stay indefinitely in Bangladesh. We believe that voluntary repatriation is appropriate at this time and should be supported. The U.S. Government is pledging \$4.75 million to UNHCR and to the World Food Program for the repatriation effort.

There are other Burmese refugees in Thailand that include some 66,000 minority Burmese ethnics and "students"—refugees associated with the democratic opposition to the current Burmese authorities—living in camps in Thailand. UNHCR has been able to confer "person of concern" status on 2,500 of the "students" who are thus eligible to reside in a camp known as the "Safe Area"—a facility where UNHCR has a full-time presence.

The Royal Thai Government has not accorded refugee status to Burmese living in camps near the border. Several nongovernmental organizations are providing material aid because international organizations have not been permitted to act. As with the Cambodians, Thailand has declared that it will not assume a long-term refugee burden. We have called upon the Royal Thai Government to cooperate fully with the international community in guaranteeing international standards of refugee protection for this group.

Again, thank you, Mr. Chairman, for this opportunity to provide a summary of our current Asia refugee concerns and goals. Let me repeat that the end-game of the CPA requires the same kind of U.S. leadership, imagination and generosity that were present when it began. I certainly intend to keep it that way.

At this time, Tom Hubbard and I would be glad to take any of your questions.

[The prepared statement of Ms. Oakley appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Director Oakley. Allow me first a few questions on the Vietnamese in Hong Kong.

There have been refugee groups that have been critical of the UNHCR screening of asylum seekers in Hong Kong. In one case, the case of Ms. Ngo Van Ha, who happens to be one of our witnesses today, a 16-year old orphan has generated some degree of notoriety. He did not qualify for refugee status under the established criteria, but many of us could think of a no more obvious case than his for resettlement. Could you just briefly share with us your views on his case?

Ms. OAKLEY. Since learning of this case yesterday, I have tried to dig out as much information as I could on it. He was—or is considered an unaccompanied minor. And I think you are correct that something had happened and that he had not been accepted, but the UNHCR went back and looked at him a second time and he was resettled in the United States. And I think that we would all agree that that is what should have happened.

I cannot—I do not have all the background of this information. But I think it does point out that when there are cases like this that are obviously mistakes, things have fallen through, that we do have procedures where we can correct them.

Mr. MARTINEZ. Mr. Chairman.

Mr. ACKERMAN. Yes, let me—let me acknowledge the help and assistance of Congressman Martinez in being able to bring this witness before us—before us today. We will have this witness before us on the next panel.

Mr. MARTINEZ. Well, I want to expand on the question that you asked and I want an elaboration of the answer. Because the answer was that Mr. Cha went back a second time and he was re-evaluated, and that is not—according to the information that I was

sent to my office by the U.S. Embassy in Hong Kong, that is not the case. He went back three times and still was denied.

Mr. ACKERMAN. I believe he had to go before a special commission on vulnerable persons before the exception was made, and perhaps—perhaps you can get us—

Ms. OAKLEY. It is going to take a little research to go back and fully establish what happened in these cases. And if I could, I would like to take that question and provide you with an answer.

Mr. ACKERMAN. We appreciate that. Let me say, we are glad he is here.

Ms. OAKLEY. Yes, I know he is, and I look forward to seeing him.

Mr. MARTINEZ. Mr. Chairman, it would be helpful because of the elaborate history of Mr. Cha's case. The one thing, when you write to an embassy, they are great for providing you with a lot of information that says nothing and does nothing, and that was the case here. And it was persistence that got Mr. Cha to the United States. We wrote several letters, and it is just persistence by the sponsoring group here in the United States that eventually resolved this young man's case. But I will be glad to provide with you the communication from the embassy.

Ms. OAKLEY. Well, I will have those. It is simply that I had only learned about this case yesterday. I did not have time to call up all the telegrams and talk to the UNHCR about what happened. But we will be glad to submit a history.

Mr. ACKERMAN. Thank you. Just in general, do you think that the UNHCR's Committee for Vulnerable People is doing an effective job in finding solutions in the best interest of people such as these?

Ms. OAKLEY. Well, I think so in the sense in the end the system worked. We all would wish that we did not have to go through so many steps to get there. I think in most of these cases, in general, people do a good job; but I think that everyone of us who deals with these humane issues could always do a better job.

And in that regard, just let me add that as we approach the end of the CPA, the Department of State and the Bureau for Refugee programs has been trying to work very closely with the American NGO's to anticipate other cases like this as we end the CPA, and how we can have some sort of review where cases that we call egregiously or wrongly screened-out will have one last chance. And I think that we have been able to work out a fair and balanced program to take care of cases like this. And I think that any of us, when we deal with this many human beings with complicated stories over now almost a 20-year period, understands there were mistakes that have been made. But I think with cooperation that we can deal with them and make sure that people are treated fairly.

Mr. ACKERMAN. Thank you. Many refugee groups have conceded that Vietnamese refugees in Hong Kong could return to Vietnam safely, and indeed many are doing so. Does the Department have any indication that the Vietnamese Government is mistreating any of these people who return?

Ms. OAKLEY. No, we do not have any indication that they are mistreating them. And as I think I outlined briefly in my testimony, that there are not only the UNHCR and American NGO's now working back in Vietnam, but also the European Union and

other groups that are certainly ready and willing to tell us if they see any of these cases of persecution and discrimination.

Tom, I do not know whether you have anything to add.

Mr. HUBBARD. No, I quite agree with you. That is exactly our judgment.

Mr. ACKERMAN. Do you believe—well, let me ask you this: do you have complete faith in the effectiveness in the screening process in Hong Kong?

Ms. OAKLEY. No, I would not say that I have complete faith and I would fall on my sword over every case, nor would they. And I think that that is why there has been an appeals process and that is why they are contributing—cooperating with us to work out, as we near the end of the process, a system that is fair to review some of these cases. We have gone out to our embassies to ask them if they know of cases. We are talking to the NGO's.

I think at the end of the process, if we all cooperate, we will get to a system that, on the whole, will be judged to have been extremely fair.

Mr. ACKERMAN. Could you account for the maiming and ritual suicide protests that have been going on?

Ms. OAKLEY. I think maybe you are referring to some of the events that have occurred in some of the camps in Hong Kong?

Mr. ACKERMAN. Yes.

Ms. OAKLEY. Yes. It is clear to us that there have been accelerating tensions.

Mr. ACKERMAN. Are they increasing?

Ms. OAKLEY. What? Accelerating tensions in the camps in Hong Kong, and this has been brought about by, I think, a combination of factors: the conditions in the camps, the realization by many of the screened-out that they are going to have to go home, and various other things. I think that many of you have heard about the recent experience of what they call the "Whitehead Detention Center."

Mr. ACKERMAN. The April 7th incident?

Ms. OAKLEY. Yes. The incident there where the Hong Kong police went in with so many tear gas canisters, and forced and broke up demonstrations and isolated people. The Government of Hong Kong, itself, has decided that this was obviously a very unfortunate and probably illegal act. They, themselves, are investigating, and we are waiting for their report, which we expect in early June.

Mr. ACKERMAN. The Department has been criticized for not speaking out on this. Do you have any views on the incident? Do you—have you spoken out—do you wish to speak out or do we want to wait until June?

Ms. OAKLEY. Well, I think on this, the Government in Hong Kong has been very much aware of our views on all of these issues all along. I think if the judicial process had not been instituted, that we would have felt that we should have gone in. But I think that we have to respect their system and allow their process to run its course. Now if it should be what we consider a whitewash, then I think we would want to consider other appropriate actions to take.

Mr. ACKERMAN. Let me turn for a moment to the Hmong issue, and then we will go to other members of our committee.

There was an op-ed piece in the Washington Times by Harry Summers, who framed the controversy over repatriation from the Thai camps. And Summers charges that the United States—and he singles out your bureau—and says that you have—or we have used U.S. tax dollars to “send Hmong refugees to their deaths in Laos.” In particular, he cites 1,200 Hmong in the Na Pho camp who are scheduled to be “betrayed into the hands of their enemies,” just before this hearing. He cites as his background information a book by one of our other witnesses today, Jane Hamilton-Merritt. First, are we sending Hmong to their deaths in Laos and how do these charges square with the facts as we understand them? And do you think that the source of information quoted by the author, Mr. Summers, is a credible one?

Ms. OAKLEY. Mr. Chairman, I really appreciate the opportunity to answer this question and to give our point of view on these charges that were made.

First of all, we are not sending Hmong back to their deaths in Laos, nor would we send anybody back to their deaths, and I have to take some offense at his kind of statement leveled at the Department of State. It simply is not true.

Let me say that I know that these are difficult questions because of all the public charges of forced and coerced repatriation. Let me begin by saying the UNHCR is in charge of the repatriation, and I know that a UNHCR representative is also testifying to you and will address the problem in more detail. The bottom line for them and for us is that we have not seen these patterns of coercion and certainly not in an organized governmental way. And I think that, as we have tried to point out, we have tried to investigate all of these charges when they have arisen.

Now, we all know the U.S. Government does not know everything that happens; it comes as a surprise, but we simply do not know. What I am saying is that whenever there have been these charges and we have gone to investigate, we have not found supporting evidence to support these charges. And what this means for me, if I must say so, is that we have to continue to be extremely vigilant.

I think we all understand that the Thai, indeed, would like to bring the CPA to an end and that their—we are aiming at the target date of 1995. The Tripartite Agreement between Laos, Thailand and the UNHCR in 1991 established that repatriation would not involve the use of force. The Thai Government has publicly stated that no force would be used.

In July of 1992, an incident that was earlier referred to, the Royal Thai Government did try to force the pace of all voluntary repatriation application for the screened-out by telling objectors that they would be moved to a more austere camp. Most subsequently did sign up for voluntary repatriation, and that was an incident that we have talked about and raised before. And so let me say that it is important to keep watching this program closely.

I think the repatriation that you are talking about is to occur on the 28th of this month. The UNHCR has scheduled a movement of some 450 Hmong to a large group resettlement site at Vang Vieng—and again, I apologize if my pronunciation is not correct—which is about 3 hours from Vientiane. And as many of us have

learned, in the repatriation projects, the Hmong feel more comfortable when they repatriate in large groups to large camps where they can continue their lives. The timing of this repatriation is really determined by the onset of the heavy monsoon rains in June; that people like to get people back and established before the rains come.

Our refugee coordinator from Bangkok and the RP staff member that I mentioned earlier, who is in the area looking into these problems, will be on hand for the crossing, and they will visit the site of Vang Vieng in the afternoon when our Ambassador comes down from Vientiane. So I can assure you that we are going to be watching these situations carefully.

Mr. ACKERMAN. I thank you for your thoughtful responses. I have one more quick question. If we can tighten up on the answers a little bit—

Ms. OAKLEY. OK; sorry.

Mr. ACKERMAN [continuing]. Because we have a lot of members who have questions and additional panels as well. And I know that is the difficult part with so much information to impart.

Ms. OAKLEY. I will try.

Mr. ACKERMAN. Is Hmong American opinion on repatriation monolithic or are there different perspectives on the issue? And if it is the latter, why are we not hearing from these people?

Ms. OAKLEY. I think it is clear from earlier statements that have been made by members of the committee that there clearly are differences of opinion, and you would expect them to be. I am not going to get into the issues of, you know, why they are not expressed here today. We certainly hear them from the groups that come to the Department of State.

Mr. ACKERMAN. Separately and privately?

Ms. OAKLEY. Yes.

Mr. ACKERMAN. Thank you. Mr. Leach.

Mr. LEACH. No questions.

Ms. OAKLEY. Thank you.

Mr. ACKERMAN. Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman. Ms. Oakley, I hear you saying categorically that Hmong are not being repatriated against their will.

Ms. OAKLEY. I am rarely categoric. But what I am trying to say is that we have no evidence, and that the cases that have been reported to us and that we have investigated as best we can have not produced credible evidence. It does not mean to say that these things have not happened and that we have not found out about them. But what I am saying is the information that has come to us and that we have investigated does not produce evidence that there has been persecution. Now there could have been isolated cases.

Mr. ROTH. Well, last month, the Philadelphia Inquirer documented a case of involuntary repatriation of Hmong; and described in essence an entrenched and deceitful campaign by the State Department personnel to discredit American Hmong leaders and Hmong refugees; and manipulating congressional investigations. What would you say about that?

Ms. OAKLEY. I would have to take offense at that statement. I just do not accept it. I do not think we are deceitful and I do not think we are trying to pull the wool over anybody's eyes. I think we are trying to look into all of these cases when they are brought to us. I think that we all have to expect that there are honest differences of opinion on issues like this and very strongly held opinions.

Mr. ROTH. Did you see that article?

Ms. OAKLEY. Yes, I did, and I read it.

Mr. ROTH. And what are you saying about the article?

Ms. OAKLEY. I think it was a very affective article of bringing the plight of the Hmong to the attention of the American people. I do not agree with many of its details.

Mr. ROTH. Well, as a Congressman, am I supposed to believe it or am I not supposed to believe it? What are you telling me?

Ms. OAKLEY. Congressman, I would never expect you to believe everything you read.

Mr. ROTH. Well, how much of this should I read as accurate? You are the expert. We are having this hearing because we want to get to the bottom of this.

Ms. OAKLEY. And I agree with that completely. And as I say, I think many of the examples that he uses are very moving and very telling about the situation of the Hmong. I would certainly agree with his view that we have a special obligation to them. I would certainly agree that we need to make every effort we can that either their resettlement or their repatriation goes very well. I would not agree with him on many of his conclusions about past State Department actions in regard to treatment of the Hmong. And I would certainly be willing, and hopefully I can talk to him and we can work out some of these differences.

Mr. ROTH. Now, you see today, we have an overflow hearing here. Back in Green Bay, Wisconsin, I met with an overflow crowd, too, and they were telling me with tears streaming down their face that they are sending as much as \$1,000, \$2,000, to these refugee camps, and that this money is being ripped off by Thai soldiers, or whoever is running these camps. Have you investigated these allegations?

Ms. OAKLEY. There was an earlier charge—I think it is a case called the 305—where there had been charges of bribery and trying to get names on lists. It was clearly a scam. And in that case, we asked the Royal Thai Government to investigate and look into it. We do not have the power and authority in Thailand to do that kind of an investigation. And it is my understanding that they have been looking into this which—with the UNHCR, which has responsibility for the camp.

Mr. ROTH. Well, what is the result? You have asked them to look into; now what have—have they taken action against some of these people? Or—

Ms. OAKLEY. I think that—as I remember, that the decision was that, indeed, there had been a scam and that bribes had been offered, these people had been caught. It would then be a question of whether the originators of the scheme in the Thai camp were then subject to Thai law.

Do you have anything?

Mr. ROTH. Could you give me a report?

Ms. OAKLEY. Yes, of the latest on that and if we have any further information. I think what we might like to do is cable our embassy to see if they have any last minute information on that case.

Mr. ACKERMAN. Without objection, the record will be held open for additional questions by members of the committee, as well as information to be supplied.

Mr. ROTH. Yes, I would very much appreciate that information. If the camps are to close as scheduled, what do you envision occurring with the potentially 21,000 Hmong refugees?

Ms. OAKLEY. Well, I think, as we have said, we have given you our numbers of what we expect for fiscal year 1994; that we expect to be up to 7,000 again this year; 1995 fiscal year, we expect to bring in another up to 7,000. We think that that will about close the gap between those who are eligible to come to the United States and those who are going to have to choose repatriation.

There is another group there who are going to decide either to repatriate or come to the United States; who have not yet made their decision. In the goal of achieving the end of the CPA by 1995, we would hope they would make that decision. Certainly, I think U.S. leadership and vigor in trying to work out some schemes to ease reintegration into Laos would help, and I intend to see about that.

Mr. ROTH. Well, I certainly concur with that. I think that if we could help the people resettle peacefully in Laos, I think that would be the best avenue. Because, we certainly have a lot of problems with immigration here in our own country and I certainly would urge the State Department to try to take that route.

Mr. ACKERMAN. Mr. Foglietta.

Mr. FOGLIETTA. I thank you, Mr. Chairman, and I thank you, Ms. Oakley, for the testimony you have given us today. And let me say to my colleague from Wisconsin that I, too, being a Philadelphian, have read the article that you referred to, and I agree with Ms. Oakley that generally, bringing the plight of the Hmong people to the attention of the American people, in doing that, that article was extremely effective, although I did find much fault in many of the specifics in some of the case histories that were presented. And if you would like to discuss that with me on an informal basis, I would be happy to do that at a later date.

But I did go over there in July of 1991—I was in Thailand, in Laos, and also to some of the refugee camps—and I submitted a 15-page report, at the end of which I have 10 recommendations. I just do not know whether I have the satisfaction of knowing that anybody ever even read it. But I would like to—

Mr. ACKERMAN. We will try to remedy that. Without objection, your entire report is placed in the record of this hearing.

Mr. FOGLIETTA. However, what I would like to do, if I may, is just to go through two paragraphs with you in which I made some recommendations just to try to determine whether or not any of those were carried through, either as a result of this report or as a result of your own initiative.

The UNHCR, the U.S. and Thai officials—this is my fourth recommendation on page 10—should work to maintain a system in which refugees are given free and informed choices between the op-

tions of resettlement and repatriation, and in which all asylum seekers should be made fully aware of policies that affect their lives. I believe that the United States should continue to provide opportunities for resettlement of Laotian refugees. I am also convinced that U.S. officials should strongly support voluntary repatriation as a durable solution. Based on my meetings with United States, Thai, Laotian and UNCHR officials, I believe that there is no pattern of mistreatment by Lao officials against those who have returned under UNHCR auspices.

To encourage voluntary repatriation, I believe that senior U.S. officials, including the U.S. Ambassador in Bangkok and the Charge de Affair of Vientiane, should meet with representatives of Laotian refugees and asylum seekers to provide information and form policies, including and especially U.S. policy of relevance to Laotians in Thailand. That is number one significant. Has that—has that been done?

Ms. OAKLEY. We have distributed some information. But I think you raise a very good point, and it is one that we have discussed with many of the representatives of the nongovernmental organizations; that as the CPA draws to an end, we need to do a better job of getting into all of the camps in Southeast Asia to talk to people about getting on with their lives. And one of the ideas that we have had is to take some people who have repatriated, bring them into the camps and discuss it. But it is certainly very much on our minds and it is something that we agree with you completely on.

Mr. FOGLIETTA. And that is extremely important, because on my visits—

Ms. OAKLEY. Yes.

Mr. FOGLIETTA [continuing]. There, I found that while the officials know what is going on and some of the leaders of the different groups know what is going on, the people, themselves, are very, very unaware about the details of what their choices are or what is in store for their lives.

Ms. OAKLEY. Thank you.

Mr. FOGLIETTA. In such meetings, U.S. officials should describe efforts being made to ensure that returnees are not subject to mistreatment in Laos and are provided with adequate facilities to ensure successful transition upon return to Laos. They could also attempt to make sure that those in the camps are well aware of the inevitability of their having to choose resettlement or repatriation, and of the risks incurred in indefinite delay in making those decisions and taking those options. Because, as you well know, the Thai Government is adamant in wanting to eliminate the camps. So too many of the people I spoke to in the camps felt as though staying where they are was an option. I mean, has that also been done?

Ms. OAKLEY. Well, I think we have tried to, but sometimes people do not—hear only what they want to hear. And I would agree with you that we need to go back on it and follow-up on efforts that our Ambassadors have also made. That is important. But I think it is even more important to have an organized campaign with Vietnamese and Hmong speakers, to have some visits, some printed information, and perhaps even some video film to bring back and just show to various people, and we intend to do that.

Mr. FOGLIETTA. Along with the fears of my colleague from Wisconsin and my colleague Mr. Vento, to help ensure that those who are returned are not subjected to persecution, and that members of the Hmong community in the camps and in the United State are confident that this is the case. The monitoring effort for returnees should be strengthened and the U.S. Embassy in Vientiane should play a role in monitoring conditions for those who do return.

First, there are two reasons why I endorse augmenting the system of monitoring. First, the numbers of those who are expected to return are far in excess of the numbers who have already been repatriated. And even in maintaining the current level of monitoring, the UNHCR estimates that it has visited about one-half of the returnees who have been repatriated. And it will be a challenge because so many of them will be going back, as compared to those who are already back.

Second, while it is true that there have not been reports of mistreatment of returnees, the overwhelming majority of returnees have been Lowlanders, rather than the Highland Lao, who are most fearful of the persecution. Moreover, the Government of Laos continues to impose serious restrictions on internationally recognized human rights, not only on the Laos—not only on the Hmong, but on their own people, which is a cause for concern for those who have studied the issue. A monitoring system must provide for repeat visits to returnees and must include a capacity to respond quickly to reports of possible abuses against returnees.

One refugee organization, Refugees International, has suggested to the delegation that UNHCR augment its staff so as to enable—enable to conduct an initial visit to each returnee no later than 15 days after his or her return to Laos, and to conduct follow-up visits no less than every 3 months thereafter. And I believe that official kind of—that this kind of official schedule to returnees and to meet this kind of a schedule is extremely important.

I also support a proposal under discussion in Vientiane to assist the Hmong-speaking American—oh, I am sorry—I support a proposal under discussion. This is one that I had with them there, with the Hmong people in the camps, that we attach a Hmong-speaking American to the U.S. Embassy in Vientiane—or our mission in Vientiane to assist in the effort to monitor conditions faced by returnees. Has that been done?

Ms. OAKLEY. I am going to defer to Mr. Hubbard of the Bureau of East Asia and the Pacific to give you a rundown on Lao speakers of the embassy.

Mr. HUBBARD. Congressman, I cannot give you an exact rundown on that. As far as I know, we have not followed through on that—that recommendation and I will look into why.

Let me say that we have, however, made every effort to monitor the situation there, to assist UNHCR. Both our former Ambassador, our current Ambassador have visited Hmong repatriation camps. We are doing what we can within resource constraints that we have. But I will look into your specific recommendation and what happened on that.

Ms. OAKLEY. May I just add one point on that. In March, some of the travel restrictions in Laos were eased on diplomats and members of international organizations. We do not know how that

is going to play out; but we think that that will also make some of the monitoring easier, and we tend to press that and see how far we can go with that.

Mr. FOGLIETTA. I do think it is extremely important, and I do not think—

Ms. OAKLEY. Yes.

Mr. FOGLIETTA [continuing]. It is that much of an expenditure to get a Hmong-speaking person working with our embassy or our mission in Vientiane. Because by permitting such an arrangement, the Government of Laos would communicate not only to its dedication for the safety of the returnees, but also its commitment to respond systematically to the fears of returnees or people living in this country and their families that they will be safe. And this would only enhance the prospect of establishing an environment of reconciliation between the government and the returnees, which is so extremely important.

Ms. OAKLEY. Duly noted. We will make an even greater effort.

Mr. FOGLIETTA. Thank you so very much.

Mr. ACKERMAN. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank our panelists for being with us.

Can you tell us which provinces in Laos have Hmong been repatriated? Could you name those provinces and about the approximate number that have been resettled there?

Ms. OAKLEY. I do not have that exact information on the provinces and how many have gone back to the Highlands or the Lowlands. We would be certainly glad to get that information for you and submit it for the record.

Mr. GILMAN. Mr. Chairman, with your permission, I would like it to be made part of the record. I would like the response to be made part of the record.

Mr. ACKERMAN. Yes, the Chair announced that all responses yet to come will be made part of the record.

Mr. GILMAN. Could you tell us how many translators the U.S. Embassy has in Laos, and what nationality are they, and do they speak both Hmong and Lao, and who pays for those translators?

Ms. OAKLEY. I am going to defer again to Mr. Hubbard.

Mr. HUBBARD. Congressman, we have four members of the embassy in Laos who speak Lao. We have none who speak Hmong.

Mr. ACKERMAN. Is there some reason why we do not have any Hmong translators?

Mr. HUBBARD. I think Lao is the official language of the country. We generally train people in the official language. We do not have a course at the Foreign Service Institute in Hmong. But I very much take note of what both of you have said here and we will look into the situation.

Mr. ACKERMAN. Will the gentleman—

Mr. GILMAN. Yes, I would be pleased to do that.

Mr. ACKERMAN [continuing]. Suffer an interruption?

Mr. GILMAN. Sure.

Mr. ACKERMAN. Is it possible instead of having a course that we just hire somebody that already knows how to speak it?

Mr. HUBBARD. I will look into it in a broad minded way, Mr. Chairman.

Mr. ACKERMAN. Thank you.

Ms. OAKLEY. And I suspect there are probably some local employees at the embassy certainly who do speak Hmong and Lao as well. I just do not have the numbers.

Mr. ACKERMAN. Thank you very much. Mr. Gilman, thank you for your time.

Mr. GILMAN. Thank you.

Mr. ACKERMAN. We will add another 30 seconds to you.

Mr. GILMAN. How many Hmong refugees are there that you deal with? Is it a small number?

Ms. OAKLEY. I did—again, the breakdown that we have of the three major camps in Thailand that we have talked about: there are 11,210 Highland Lao in the Phanat Nikhom camp and 182 Lowland Lao.

Mr. GILMAN. What is the bottom line? How many Hmong refugees do you deal with throughout?

Ms. OAKLEY. We are dealing in Thailand with 21,849 refugees as of February 28, 1994.

Mr. GILMAN. These are Hmong refugees?

Ms. OAKLEY. Both—they are Lao refugees.

Mr. GILMAN. No, I am asking, if you would, how many Hmong refugees do you deal with? How many are there?

Ms. OAKLEY. All right. Excuse me, I was wrong. The figure is 21,849 Hmong in the camps in Thailand. There are also 3,357 Lowland Lao in the same camps.

Mr. GILMAN. So there are over 20,000 Hmong refugees you have been working with. How long have you been working with the Hmong refugees?

Ms. OAKLEY. I think many of those programs have gone on since the mid-1970's—for 20 years.

Mr. GILMAN. For 20 years, you have been dealing with some several thousand Hmong and we still do not have anyone that speaks the language in the State Department? That seems incredible to me.

Ms. OAKLEY. Well—

Mr. GILMAN. How do you work with these people if you do not have anyone that speaks the language?

Mr. HUBBARD. Could I—Congressman, I think the—

Mr. GILMAN. I do not think it is very funny really.

Mr. HUBBARD. The Lao that Ms. Oakley is talking about are actually in Thailand. I presume we do have a number of people from various organizations who are dealing with the Hmong in Thailand to speak Hmong.

Mr. GILMAN. Well, do we—

Mr. HUBBARD. My earlier answer referred only to Laos.

Mr. GILMAN. Do we or do we not? You told me you do not have any translators in—

Mr. HUBBARD. My earlier answer referred to Laos, not to Thailand.

Ms. OAKLEY. To the embassy.

Mr. HUBBARD. And to the embassy.

Mr. GILMAN. How do you ensure safety of these people if you cannot even speak the language with them?

Ms. OAKLEY. I think you know that most of the refugee programs in Thailand are organized by the UNHCR, the U.N. High Commission for Refugees. They have the responsibility with the Thai Government for running these camps and for their orderly processes.

Mr. GILMAN. But we do the oversight, do we not?

Ms. OAKLEY. We do in one sense, from Geneva that we go out, but the UNHCR has the operational responsibility for the camps.

Mr. GILMAN. I understand that. But do we not oversee the repatriation? Are we not taking a look at whether they are safe or not when—secure when they go back?

Ms. OAKLEY. Yes.

Mr. GILMAN. Well, how do you make that determination if you cannot even have an exchange with them in their own language?

Ms. OAKLEY. I think we use interpreters in a case like that, or many of the Americans who were there with nongovernmental organizations who do speak Hmong.

Mr. GILMAN. Well, do we hire Hmong-speaking interpreters?

Ms. OAKLEY. Of course we do.

Mr. GILMAN. Well, that is—

Mr. ACKERMAN. Yes. Will the gentleman suffer another interruption?

Mr. GILMAN. Please, Mr. Chairman.

Mr. ACKERMAN. I have been given to understand that we do have one of our embassy officers in Thailand, named Jeff Rock, who does speak Hmong.

Mr. GILMAN. We have one person who speaks Hmong?

Mr. ACKERMAN. We have been so advised.

Mr. GILMAN. Well, at least we have at least one.

Mr. HUBBARD. Congressman, could I add that in the voluntary organizations dealing with refugees in Thailand, there are Hmong-speaking Americans to assist them.

Ms. OAKLEY. And there are many of these people who speak Lao and Hmong and English, so that you get a mixture of people who are capable in many of the Indochinese languages.

Mr. GILMAN. Can I ask: are there any provinces in Laos where our State Department officials are prohibited from traveling freely? I have been informed that a State Department cable indicates the Lao Government usually withholds permission for our embassy officials to go to—I hope I am pronouncing it right—Chang Koang province in Laos, where many Hmong have been repatriated. Are we prohibited to going there?

Mr. HUBBARD. Congressman, I am told that as of March, we are able to travel freely throughout Laos. There are no longer any travel restrictions.

Mr. GILMAN. No longer any travel restrictions at all?

Mr. HUBBARD. As of March.

Mr. GILMAN. OK. And sir, is it true that UNHCR officials must stay overnight in the capital of Laos, as well as the NGO's, and that means they cannot go to Chang Koang since it is a 2-day trip from the capital? That is according to a State Department cable.

Ms. OAKLEY. I think that that was true before. I would certainly like to check that because I think again with the lifting of the travel restrictions, that some of those problems have been eased. But let us check on that and get back to you.

Mr. GILMAN. Well, I would welcome that and Chairman, again—

Mr. ACKERMAN. The record will remain open.

Mr. GILMAN. Yes.

Mr. ACKERMAN. Mr. Rohrabacher.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. ROHRABACHER. Excuse me, Mr. Chairman, I have a cough or a cold or something coming on me. Is Jim Chamberlain still working for you folks down there?

Ms. OAKLEY. Jim Chamberlain.

Mr. ROHRABACHER. Yes.

Ms. OAKLEY. Yes.

Mr. ROHRABACHER. I think Jim speaks all the languages.

Ms. OAKLEY. Yes.

Mr. ROHRABACHER. And he is in—he may not be in Laos, but I am sure he is right across the border.

I think that if there is any fault here, it is not, you know, how many native language speakers we have. It is a policy, and it is not necessarily a policy that just started with this administration, but a policy that tends to happen when administrations are basically trying to get along with dictatorial regimes. From your remarks, it seems to me that the brightest spot, the most success that you have had in terms of a refugee solution to a refugee problem was in Cambodia.

And for those who cannot understand what I am trying to say here, Cambodia was the one bright spot in terms of democratization we had as well. We have free elections there. We really, you know, basically forced a commitment on the local powers that be to start respecting human rights, and have multiparty systems, and permit freedom of speech. And although they have not gone all the way, there has been a great progress in that area. And to that degree, we have also seen some success in the area—not some success—but the major area of success in terms of refugees. Is that not correct?

Ms. OAKLEY. Yes. I mean, it is hard to measure success. I would say that these have been dramatic developments. I think the whole CPA has been a success. But we are not at the end of it yet and, you know, the story is not over. So I think what I meant really at the beginning that it has been a success. But it also has been an event that has been contained within a period of time.

Mr. ROHRABACHER. Well, to the degree—whatever that means, what you said—I mean, to the degree that we have not pushed Laos and have not pushed Vietnam, as I would have pushed, is to the degree that I believe we are going to continue having problems like the one we are discussing today. I mean, let us face it, the Thais—and everybody has to understand what we are talking about is things going on in another country, in Thailand. And Thailand has been exceptionally generous, as far as I can see, in terms of having been host to hundreds and hundreds of thousands of peo-

ple fleeing tyranny. And Thailand, itself, is a developing country with very few resources.

But yet, at the same time, if we were going to be faithful to their generosity, it seems to me that our major should have been, and should continue to be, pushing for democracy among their neighbors so that the refugee problem not only will get worse, but will get better, and the work in Cambodia. I do not think—do you see a major commitment toward democracy in Laos on the part of this administration? Is there any evidence you have to tell me about the democracy initiative that we have had in Laos?

Mr. HUBBARD. Let me try—

Mr. ROHRABACHER. Have you seen something here?

Mr. HUBBARD. Let me try to answer your question, Congressman, by agreeing with almost everything you said—with everything you said earlier. We do believe that democracy tends to carry with it greater respect for human rights; that under democratic regimes, there is greater respect for human rights; and that greater respect for human rights also means better treatment for and greater respect for the problems of refugees. So a basic tenet of our policy toward Asia is to try to encourage democracy and all that that carries with it.

There are places where—

Mr. ROHRABACHER. Then perhaps you can—

Mr. HUBBARD [continuing]. That task is more advanced than others. Clearly, we would wish for democracy in Laos. We would wish to be able to bring that about and to find tools to promote that, and we are trying to do that.

Mr. ROHRABACHER. Now does Laos have Most-Favored-Nation status?

Mr. HUBBARD. No.

Mr. ROHRABACHER. OK. Have we presented to the Laos that, look, if you do this and this, we are going to have—you know, in terms of liberalization, democratization, that we are going to extend this or that economic privilege to you, including Most-Favored-Nation status? Has that been presented in a formal way to our Laotian friends—or I should not call them friends.

Mr. HUBBARD. I am not sure exactly how formal you would say; but, certainly, we have made it clear to the Lao, as we have to other regimes like that in the world, that with democracy, with greater human rights flow a lot of benefits.

Mr. ROHRABACHER. I will have to tell you that I disagree with that statement that you just made. I think the message that is going on from the United States to less than free regimes is that, well, look, we do not really care about your internal democratization. All we care about is what you are doing externally, and then we find out there are external affects to putting up with dictatorship at home.

For example, we lifted the embargo on Vietnam, and we just talked—I mean, I love this word—there is accelerating tension down there in that Whitehead center in Hong Kong. I visited that center. That was a horrible place. It was—it is a concentration camp. I went there and it is just incredible. But that is one of the by-products of the dictatorship in Vietnam. If Vietnam was a freer country, those 60,000 people would not have fled.

We just lifted the embargo, and I did not see any demands and I have heard of no demands for democratization in Vietnam. Has there been some initiative that I have missed here? All I heard about was the POW issue.

Mr. HUBBARD. Congressman, we have had consultations with Vietnam already as part of our opening process on human rights and we intend to continue to pursue that. Equally with Laos, there is a circumstance not all that different from our situation with Vietnam. We have some overriding concerns. In particular, our overriding concern is the fate of the some 505 Americans listed as POWs or MIAs from the Vietnam war. We also have very deep concerns about narcotics, and about Lao role and narcotics trafficking, and the narcotics that arrive in the United States.

Mr. ROHRBACHER. I will tell you—

Mr. HUBBARD. Going beyond that, sir, we are continuing to find those means that we can to promote democratization, greater openness of information. The role of NGO's is, of course, very important in that.

Mr. ROHRBACHER. Well, I have visited Laos and I understand, except when I was—when they described the priorities to me, they were in reverse order: democracy—democratization, liberalization was down at the bottom of the totem pole in terms of priorities. And I understand when you are answering my question it comes to the top because you are answering my question.

Let me just put it real frankly to you, and this—the bottom line is when America steps away from being a champion of freedom and democracy—and some people say, well, we have to be practical—but what happens is, we end up with problems that you do not foresee. I mean, democracy and freedom actually is a way to solve certain problems. We would—actually, it might be a difficult thing to achieve. It might be tough to stand up for democracy and freedom. But in the end, it is the right thing and it is the practical thing.

I think what we are suffering now is the fact that we have not been the force for democracy and freedom that we should have been in these 20 years. And if we are going to come up with a—if there is going to be an end solution, if there is going to be something where we are not back here discussing this every year, it has got to be the establishment of a freer regime in Laos, a regime that respects human rights, and a regime in Vietnam that is—that does not persecute its own people and does not throw its own people in jail. That is the real solution to this. And I hope this administration, now that it is getting used to, you know, being in power—you know, after all, Democrats have not been in for a long time now—but now, they are getting—I hope that you will work with me and other Republicans who are committed to human rights to see that this becomes a centerpiece for American foreign policy, which it always should have been that.

So thank you very much, Mr. Chairman.

Mr. ACKERMAN. Mr. Vento. We hope you work with us, too.

Ms. OAKLEY. What?

Mr. ACKERMAN. We want to include the Democrats in that.

[Laughter.]

Ms. OAKLEY. We are happy. We are happy to work with both.

Mr. ACKERMAN. Thank you.

Mr. VENTO. Thank you, Mr. Chairman, and thank you to the members of the subcommittee. Brief answers will help.

I have got a few different numbers here. I think I started out saying that there were some 50,000 Hmong, and I realized that I had talked about the screening numbers. But my numbers were different and the numbers in the staff background memo are different in terms of the Hmong in Thailand. They say there are 30,000; you said there are 20. At this rate by the end of the hearing, we will not have any left.

Ms. OAKLEY. There are—I gave you a figure of approximately 25,000. These are in the camps, Highland and Lowland. There are other Lao outside the camps at some of the—

Mr. VENTO. OK.

Ms. OAKLEY. We do not know what those numbers are.

Mr. VENTO. You have this plan, and you said, Director Oakley, that by the end of 1995, you hope this is all going to be resolved. I want you to tell me now, since most of these, the 25,000—I do not know the number outside the camps, do you agree with an appeal process for those who are screened-out?

Ms. OAKLEY. I think that there has been a pretty good system for the Hmong in the screening. As we have said, there have only been about 2,000—

Mr. VENTO. Yes.

Ms. OAKLEY [continuing]. Who have been screened-out. There has been an appeal process in place. I understand that it was not used as extensively as for the Vietnamese. But certainly, as we near the end-game, we would want to look at that whole process, too, to make sure that cases that slip by and that others know about get a chance for a final review.

Mr. VENTO. Well, I think the deadline is coming pretty fast, especially since there has not been that much repatriation. So based on—

Ms. OAKLEY. Yes.

Mr. VENTO [continuing]. The numbers that you have said—7,000 slots this year for Hmong—of course, some of those slots may have been taken up. There are more, it seems to me, screened-in than are eligible under the numbers and ceilings that we have; is that correct? It sounds like a mismatch.

Ms. OAKLEY. No. I think we are going to be all right on the numbers. We will come close to 7,000 each year. We can go up to that. We are working on our numbers now for 1995. You know, it is also possible if there were some left, that we could go—

Mr. VENTO. Well, especially—

Ms. OAKLEY [continuing]. Into 1996.

Mr. VENTO. Pardon me, but especially for those outside the camps.

Ms. OAKLEY. Yes.

Mr. VENTO. Is the Thai Government giving you any indication of what their disposition would be if they are outside the camp?

Ms. OAKLEY. No. It is almost—we do not know much about it.

Mr. VENTO. Well, it is a difficult—difficult question, I understand, but do you expect then that most of those will be repatriated voluntarily?

Ms. OAKLEY. No.

Mr. VENTO. What if they will not go voluntarily and they have been screened-out? What is going to happen?

Ms. OAKLEY. This is a problem that we face in the total CPA. It is a problem we face with the Vietnamese. And as I have said in my oral statement, we have not opposed in principle mandatory repatriation. We have not used that in the hopes that expanded programs to encourage people to go back, visits, information, the recognition that they need to get on with their lives is going to take care of most of these people. But we may all have some hard choices to make as we really reach the end of this program. And I think we will want to stay in close touch with you as we approach these problems because they will be very serious and heart wrenching.

Mr. VENTO. No forbearance.

Ms. OAKLEY. No.

Mr. VENTO. No forbearance. Who decides where the returnees in Laos are going to be settled?

Ms. OAKLEY. I think the UNHCR, working with the Lao Government, has tried to identify large sites, because these have been more attractive for Hmong returnees. The Lowland Lao evidently go more individually or in families or a group, and that they have been free to go wherever they choose in the country. But the combination of the government and the UNHCR, work to develop sites for the Hmong.

Mr. VENTO. Mr. Hubbard raised the question of narcotics and other problems with the government of Laos: a very poor record in terms of human rights, and travel restrictions, which have been eased in March sometime. It is not an ideal situation in which to function.

Ms. OAKLEY. No.

Mr. VENTO. I mean, we are not in a very strong position with regards to agreements. Is there any effort to try to improve that circumstance?

Ms. OAKLEY. Let me just speak very briefly, that we think that the performance of the Lao Government has improved. It is not as good as it ought to be, but I think that there have been some major economic reforms. They have been dealing with some of the international institutions on lending and getting their economy in order. We do not think it is still moving down. We think it is beginning to go up slowly. But it will take time and I imagine a lot more assistance. But I agree with you, these choices are not good.

Mr. VENTO. Well, there has been some concern expressed to me about the narcotics activities and the attempt to put the Hmong in a position of dealing in these areas. Is there any awareness of or response from you on that particular issue?

Ms. OAKLEY. Well, that is a problem. And as I understand, that many of the Hmong had come from areas that had traditionally grown poppies for opium and it, I do not think, is in our interest to have them go back to that agricultural activity. So we are trying to work it out in areas where they could produce other crops.

Mr. VENTO. Well, I understand but I am just wondering about the government's permission to raise such crops and/or even some association with such activities or lack of enforcement of the law.

I am trying to be as diplomatic with my question, as you are with your answers, without implying that the government is involved in wrong doing. I think there is a question here whether the government really is looking the other way, in terms of trying to gain hard currencies.

Ms. OAKLEY. Let me see if Mr. Hubbard has more to say about that.

Mr. HUBBARD. Congressman, we recently signalled our strong disapproval and displeasure with what the Lao Government has done in the field of narcotics by denying certification this year under the narcotic legislation. We have—we have granted an international interest waiver, in part, due to our concerns about POWs/MIAs. But the Lao Government is very aware of our concerns about the narcotic situation and we plan to continue to pursue that.

Mr. VENTO. Well, this problem is significant in the sense that even in a community like mine. There have been uses of opium and opium products by some Hmong groups. Many disagree with the idea that its use is part of the culture or is for medicinal purposes. It is being abused.

Ms. OAKLEY. Well, this certainly has been a factor in our screening process, because opium use was not a factor that screens you out, but you could not be resettled in the United States if you were on drugs, and I think everybody could accept that. We have recently decided that we would do the drug screening before the resettlement interview because it simply saves so much time, rather than to accept somebody for resettlement and then say he could not be sent to the United States because of the drug issue. So that has been refined.

Mr. VENTO. Well, I think it just puts another wrinkle in terms of repatriation, in terms of the activities for which they had been recruited and the Lao Government pegging them as the source of some of the drug activities that are going on, which makes them more vulnerable.

In this instance, obviously, this requires a lot of monitoring very closely. And I think that some of the numbers here just do not appear to me to perfectly match up. I guess if it is off by 4,000 people, they may be the relatives and friends of people I represent. And so, they are not quite satisfied with the type of tough decisions that we have to make and answers about no forbearance.

Ms. OAKLEY. Yes.

Mr. ACKERMAN. Let me ask if you would like to respond to that before wrapping up this panel.

Ms. OAKLEY. I will be very brief for a change. I have just been passed a note that there is a detox program, one, at least, that has been set up for returnees in Laos.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you, and I want to thank this panel. Certainly, in your first appearance here before us, you have handled it as a pro should and would.

Ms. OAKLEY. Thank you.

Mr. ACKERMAN. We appreciate your answers.

Ms. OAKLEY. Thank you.

Mr. ACKERMAN. Those who are standing in the back may fill into some of the empty seats.

The next panel, panel number three, consists of Mr. Lionel Rosenblatt, Refugees International; Dr. Nguyen D. Thang, Executive Director, Boat People SOS; and Mr. Ngo Van Ha. The Chair welcomes this panel. Thank you for participating in our hearing. And we will begin with our youngest member of the panel, Mr. Ngo Van Ha. Welcome.

The INTERPRETER. Mr. Chairman, could I be allowed to help with the translation and interpretation. Mr. Ngo Van Ha has been here only 2 weeks, so he is still trying to learn English as fast as he can.

Mr. ACKERMAN. Does he speak English at all?

The INTERPRETER. Just a little bit right now.

Mr. ACKERMAN. A little bit. All right. First thing I am going to do is ask our three witnesses to please stand up, raise your right hands.

[Witnesses sworn.]

Mr. ACKERMAN. Mr. Ha has a—Mr. Ngo has a statement that he wishes to read?

The INTERPRETER. Yes. He is going to read in Vietnamese and I am going to provide English translation.

Mr. ACKERMAN. Simultaneously?

The INTERPRETER. Yes.

Mr. ACKERMAN. OK. Mr. Ha, please begin.

TESTIMONY OF NGO VAN HA

Mr. ACKERMAN. Move the microphone a little bit closer.

Mr. NGO VAN HA [through interpreter]. Mr. Chairman and members of the subcommittee, my name is Ngo Van Ha. I am an orphaned minor. I just arrived in the United States 2 weeks ago. I would like to take this opportunity to thank Congressman Matthew Martinez for having saved my life and others who have helped me. Without them, I would not be here today.

In Vietnam, my family was persecuted because my father was a first lieutenant in the army of the Republic of Vietnam. He was sent to a reeducation camp. My house was confiscated and we were sent to a new economic zone in a malaria-infected jungle. My father had to illegally hawk medicines to feed the family. The police often arrested him and took away everything. Each time, they sent my father to several months of hard labor.

Mr. ACKERMAN. Could you pull that microphone just a little bit—one of the microphones closer.

Mr. NGO VAN HA. We had a—

Mr. ACKERMAN. Would those people please come in and close the door.

Mr. NGO VAN HA. We had a very hard life. Then in 1988, both of my parents died in a bus accident. My aunt took me and my siblings in, but we had to fend for ourselves.

I arrived in Hong Kong in 1990. I was not easily detained in Green Island Detention Center, which was like a prison, then to Whitehead, then to Sang Kong, and finally to Ta Ja. In 1992, the United Nations High Commission for Refugees office only asked me a few questions about my parents and my aunt and uncle in Vietnam. Five months later, I was put on the list for forced repatriation. My aunt and uncle in California wanted to sponsor me, but

they were denied. On the other hand, my aunt and uncle in Vietnam did not want to take me back.

Many time, the UNHCR intimidated my aunt and uncle in Vietnam. Once, the UNHCR threatened to send me to an orphanage if they refused to take me back. The NARV, which is the Nordic Assistance to Repatriated Vietnamese, an organization funded by the UNHCR, even lied to them that I had arrived in Hanoi, that my aunt and uncle only had to take custody of me for 1 hour, and then I would be sent to an orphanage.

The NARV workers in Hong Kong told me that if I return, I would receive computer training, I would stay in a hotel, and ride in a nice car, that I would receive money and buy a piece of land to build my own house if I would not want to stay with my relatives. When I refused, they threatened me that the police would soon come and take me by force. I was frightened and went into hiding.

With a toothbrush and a few clothes, I moved from one section to another. Many times, I had to run into hiding, not having the time even to put on my shoes. After 4 months like that, a pro bono lawyer heard of my case and agreed to help me. However, after I met with the lawyer, six awaiting policemen grabbed me, muzzled me and threw me into a van. I was slightly injured and taken to an infirmary. The police then came and took me handcuffed to Whitehead Detention Center. Fortunately, many people came to help, especially Congressman Martinez, the Hong Kong press and the media. Finally, the UNHCR reluctantly let me go.

Many other boat people are not as fortunate. They suffered many injustices by the Hong Kong Government and the UNHCR, but no one knows about them to help.

When I was still in Hong Kong, the police attacked the Whitehead Detention Center. They fired tear gas at the boat people, including many children. I was a victim of a tear gas attack in 1991. It was a very painful experience, because people could not breathe at all.

I come here today to relate my own story and through it, to know the injustices and the brutality of the forced repatriation policy. Many people in Ta Ja have committed suicide. I know of one lady who worked for the UNHCR as a volunteer counselor counseling others not to commit suicide. When she was denied refugee status, she killed herself.

I plead with you, Mr. Chairman, and the members of the sub-committee to investigate the operations of the UNHCR, especially in the cases of unaccompanied minors. I also urge you to help stop the policy of forced repatriation because it is very brutal and inhumane. Please, please help the boat people.

Finally, I would like to ask you to please help my brother, who is now in the Philippines. Just like me, he is facing repatriation to Vietnam.

Thank you, Mr. Chairman, and all the members. I wish to respectfully request that my written statement be entered into the record.

Mr. ACKERMAN. There dare not be objection. Your statement is in the record.

[The prepared statement of Mr. Ha appears in the appendix.] ✱

Mr. ACKERMAN. Ha, let me ask you, how old is your brother? Your older brother?

Mr. NGO VAN HA. He is 21 years old.

Mr. ACKERMAN. Twenty-one, and he is in the Philippines?

Mr. NGO VAN HA. Yes, he is now in a camp in the Philippines.

Mr. ACKERMAN. You have my commitment and I think the commitment hopefully of this entire committee to do whatever it is that we can do to reunite you with your brother.

Mr. NGO VAN HA. Thank you very much. Could we submit some documents concerning my brother's case?

Mr. ACKERMAN. We would be glad to receive them, submit them for the record, and to work on them with you and representatives of your family.

[The information appears in the appendix.]

Mr. ACKERMAN. Ha—may I call you Ha?

Mr. NGO VAN HA. Yes.

Mr. ACKERMAN. You can call me Gary. [Laughter.]

How many young people who are orphans are there back in the camps?

Mr. NGO VAN HA. There are about 2,000 of them.

Mr. ACKERMAN. 2,000 orphans?

Mr. NGO VAN HA. They are usually referred to as unaccompanied minors. There are 2,000 of them.

Mr. ACKERMAN. What do you think is going to happen to most of them?

Mr. NGO VAN HA. Before the intervention and the help, I was just one of them. Right now, most of them are in the situation that I was before. They are anxious. They are afraid. They do not want to go back, but there is nothing they could do.

Mr. ACKERMAN. What do you think we should be doing to try to help them?

Mr. NGO VAN HA. Since you are the powerful here, would you please call on the Hong Kong Government and the UNHCR to thoroughly review all the cases before making a decision. In many cases, a decision is made after only a few minutes of a few questions. Ha has wasted 4 years of his life in detention, and he would implore you to help the others who are still in the camp so that they do not have to wonder all the young years of their life.

Mr. ACKERMAN. Ha, let me thank you very much. I think we all know how difficult your circumstances have been and how tragic the occurrences that have happened in your life. And I want you to know that we think that you are one of the bravest young people that we have ever seen to be able to put yourself through the difficulty of sitting here and telling us your story. But you have given us some very, very good advice.

I am not too sure about your observation that we have so much power. But what I would like to do, because of your good advice and how brave you have been, is to invite you to come up here and sit with us. It is not so intimidating when you have the power and you are looking out. Why do you not come up here and join us?

Mr. NGO VAN HA. I would gratefully thank you for your invitation; but thank you very much, I am more comfortable here. [Laughter.]

Mr. ACKERMAN. Well, good for you. We can appreciate and understand that very much.

Mr. GILMAN. Mr. Chairman.

Mr. ACKERMAN. Mr. Gilman.

Mr. GILMAN. If I might ask you to yield a moment. We are joined by young German leaders who are just visiting us for a short—a few moments and wanted—I would like to have them recognized, and I thank you—

Mr. ACKERMAN. Thank you for calling their attendance to our attention, and we welcome you and appreciate your being here at this session of our hearing.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. ACKERMAN. Let me ask if anybody has any questions of our friend, Ha? Mr. Leach.

Mr. LEACH. No questions, Mr. Ha, but your ordeal is over, and we will do the best we can by your older brother.

Mr. ACKERMAN. Let me just make a suggestion to you, if I may. When you graduate from high school as the valedictorian of your class, and make your speech in perfect and flawless English, I hope that you will invite Mr. Martinez to share that day with you.

Mr. NGO VAN HA. Thank you very much, I will take that advice into consideration during my years in school.

Mr. ACKERMAN. Take the advice under consideration, hey? [Laughter.]

Already I see him running for office. [Laughter.]

We will turn now to our other two witnesses on the panel, Mr. Lionel Rosenblatt of Refugees International and Dr Nguyen Thang, the Executive Director of Boat People SOS.

STATEMENT OF NGUYEN D. THANG, EXECUTIVE DIRECTOR, BOAT PEOPLE SOS

Mr. THANG. Mr. Chairman and members of the subcommittee.

Mr. ACKERMAN. Dr. Thang.

Mr. THANG. Yes, thank you. I am grateful to you for giving me this opportunity to bring to your attention the plight of 56,000 Vietnamese boat people in Southeast Asia and Hong Kong, and to share with you the concerns of the Vietnamese-American community at large. The boat people situation is now dangerously unstable and heading for catastrophe. Many lives have been lost.

In summer 1991, I interviewed Luu Thi Hong Hanh, a 15-year-old unaccompanied minor in Galang Cap, Indonesia and submitted an appeal on her behalf. In 1992, the UNHCR determined that she was a refugee. However, 6 months later, Hanh's refugee status was revoked, only because her uncle in Canada could not sponsor her. On February 14th of last year, she committed self-immolation.

Tragic stories like that abound in all camps. Without immediate attention and intervention, the situation will soon degenerate into violence, more loss of human lives, and political and moral embarrassment for all parties involved. That would be a very sad ending to a U.S.-led humanitarian effort that has given life to 1 million Vietnamese, including myself.

Under the Comprehensive Plan of Action, or CPA, adopted by the international community in 1989, all boat persons determined to be refugees are resettled, while the rest will have to return to their

homeland. The United States has contributed well over \$100 million to the UNHCR to implement the CPA.

Screening under the CPA, however, suffers from many procedural flaws and flaws in the application of the procedures. In many first asylum countries, except Hong Kong, widespread corruption and sexual favor has distorted the screening results. Many who have nothing to offer but their true stories have been screened-out.

The UNHCR's protection rule is severely compromised by its other obligation, which is to promote repatriation. Despite internal acknowledge of egregious errors in screening, the agency has been reluctant to retract the injustices, fearing these would threaten the voluntary repatriation program by raising false hopes among the boat people. As a result, victims of severe prosecution in Vietnam, including former political prisoners, human rights activities, religious leaders, resistance fighters, and even Communist defectors have been denied refugee status.

A case in point that you know well, Mr. Chairman, is Dao Dinh Dau, a Communist defector who served as a scout for the U.S. 101st airborne division. Despite his 14 years in prison, Hong Kong screened him out under ground that "the reason for his sentence was the serious and treacherous nature of his action in surrendering to the enemy and fighting with them." His appeal was rejected, and the UNHCR concurred this—the decision by Hong Kong. I would like to underscore this fact that Mr. Dao, by that time, had exhausted his appeal process and there was no procedure left for him for requesting a review of his case. He was saved only from—he was saved from forced repatriation only through an extraordinary intervention from you, Mr. Chairman, and other Members of Congress.

Many boat people with equally compelling cases are not as fortunate. They now cannot be resettled and, yet, they are not returned to Vietnam. This has become a detractable problem that must be dealt with in the CPA end-game.

One way to deal with the problem is through deprivation, coercion and force, which is the current practice. In various Southeast Asian camps, education and medical services have been cut back. Food rations have been reduced. Overseas remittances have been blocked. Camps, that were at one time relatively open, have been turned into closed detention centers. On November 15, 1993, the Indonesia police brutally assaulted a boat person who refused to sign up for repatriation. Outright force has been used in Hong Kong.

This approach will only lead to more confrontation and more violence. It undermines the credibility of the UNHCR in the eyes of the boat people on which hinges the very success of the voluntary repatriation program.

Mr. Chairman, I propose a more humane alternative. A fast track procedure must be put in place to identify and review cases who might have been erroneously screened-out. For those found to be truly meritorious, the UNHCR should exercise its mandate authority to grant them refugee status.

Since 1991, we have worked with many other Vietnamese organizations to send pro bono lawyers to Hong Kong and the Philippines. By the way, one of our pro bono lawyers has worked on

the case of Ngo Van Ha. We offer our assistance and cooperation in this effort.

Simultaneously, a major drive must be undertaken to encourage voluntary repatriation. Non-governmental organizations, especially those trusted by the boat people, and the Vietnamese community overseas can help inform the boat people about conditions in Vietnam and send a very clear message about the limited options available to those who do not have a valid refugee claim.

At the same time, financial incentives should be increased and not reduced, as is currently the case. The CPA will end in 21 months. Forced repatriation may be implemented throughout the region by the end of this year, if not sooner. We only have a very small window of opportunity to stave off a political and humanitarian disaster.

Unless the United States once more, and immediately, takes the lead in this final humanitarian act, we will have to watch an otherwise successful international refugee program under the U.S. leadership end in blood, violence and tremendous sufferings.

The CPA meeting—technical meeting will be held in Bangkok early this June. I urge this subcommittee to send a delegation to the region to obtain first-hand assessment of the situation and to present at the meeting concrete recommendations for a concerted effort by the international community to end the CPA in a fair and humane manner.

Mr. Chairman, my organization has worked closely with your subcommittee, the State Department and the UNHCR since the beginning of the boat people era 15 years ago. We agreed that the time has come to bring that era to an end, but that end must be fair and humane. As the United States moves toward normalization with Vietnam, one last humanitarian act by this country is needed to close the final chapter on Vietnam war with honor and in good conscious. We pledge our continued commitment and full cooperation in this final act.

I can say with confidence that the Vietnamese community, not only in the United States, but also around the world, feels the same way.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Thang appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Dr. Thang. Mr. Rosenblatt.

TESTIMONY OF LIONEL ROSENBLATT, PRESIDENT, REFUGEES INTERNATIONAL

Mr. ROSENBLATT. Mr. Chairman, members of the subcommittee, on behalf of Refugees International, let me thank you for the opportunity to appear today at this crucial juncture for Indochinese refugees.

I will be brief. Much has been said already about both the Vietnamese and Hmong asylum seekers. Let me try to supplement what has already been stated.

Since 1975, more than 1.5 million people have fled their homes in Vietnam, Laos and Cambodia to temporary asylum and other Southeast Asian countries, following resettlement in third countries has occurred. This has been one of the finest humanitarian

accomplishments since the end of World War II. Temporary asylum, backed by resettlement, has saved thousands of lives. Without this first asylum framework, many would have been pushed back to sea or across land borders.

Now, more than a decade later, there are virtually no new refugees seeking to enter—to leave Vietnam, Laos and Cambodia permanently, and some are returning voluntarily to their countries of origin.

Although the scope of the problem has diminished greatly, a successful ending is not in sight. Instead, there are ominous signs that what could still be a humanitarian triumph is threatening to become a humanitarian disaster. Only U.S. leadership can salvage this situation.

Let me talk briefly about the situation of the refugees in Hong Kong. About 60,000 asylum-seekers from Vietnam remain there. There are, however, some cases throughout the region—in the region—there are some cases throughout the region of Vietnamese asylum seekers with strong claims based on service and other political persecution status to political status. The time is not right for forced repatriation until, for the remaining cases that are under question, there is a review process that is credible. We welcome the statements today by coordinator Oakley that we will begin to look at such cases. There are a relatively small number that need to be reviewed before forced repatriation can be considered.

In addition, we want to draw to your attention the use of force in Hong Kong. On April 7, over 1,200 police officers and prison officials attacked 1,500 Vietnamese asylum seekers in section 7 of Whitehead Detention Center. The government action was taken in response to a hunger strike and other forms of civil disobedience. We have learned that the majority of the camp population was not told where they were being taken until after security forces had fired two volleys of tear gas into the huts.

As a result of this action, most of the terrified asylum seekers took cover and thought they were being taken to the airport to be forced back to Vietnam. Two-hundred-and-fifty persons or more were injured; 70 claims have been filed for wrongful attack; and at least one 6-year old girl has been permanently injured and maimed, and will require skin grafts for her leg wounds.

We deplore the fact that although we are waiting a formal investigation, the State Department has taken no public stance on this. UNHCR, for its part, has actually blamed the asylum seekers, instead of working to protect them. The UNHCR has taken this unacceptable position to the point where several of the staff members have resigned in protest in what is an unprecedented development.

These are the clear and present signs of what we face in Hong Kong and perhaps throughout the region. Hong Kong is now the only country forcing back Vietnamese. We must avoid the looming prospect of a violent, disorderly, inhumane finale for this distinguished program.

Clearly what is needed is a delicate multifaceted approach maximizing voluntary return and permitting the resettlement of a relatively small number of asylum seekers with claim to political refugee status, without giving rise to the widespread perception that many asylum seekers will have this option.

Our recommendations are as follows:

We should maximize voluntary repatriation. Camp leaders should be permitted to go back to Vietnam. People who have repatriated successfully to Vietnam must come to the camps and tell the story to the people directly. Propaganda efforts for the UNHCR will not work.

The wrongly screened-out, as we said, should be given another chance. No quasi-judicial process is 100 percent infallible. Our deep hope is that the relatively small number of cases facing persecution can be accommodated without delay.

The third problem is the case of the visa applicants in Hong Kong. They were unilaterally cutoff by the State Department from access to the consulate. We believe that that should not have happened. We ask that they be fully reinstated in terms of their ability to apply to the U.S. Consulate without procedural hurdles, and ask that you seek the State Department's assurance that visa applicants with current petitions are allowed to apply elsewhere at embassies and consulates throughout the region.

Let me say a few brief words about the Hmong. There are many who follow me and I do not want to take a lot of time. I work, starting since 1975, with the Hmong refugees as a Foreign Service officer. I went out on the first assessment of refugees coming in by land, the so-called land refugees, as opposed to the boat people. I was astonished to find thousands of Hmong who had fought so closely for us, paid by the CIA, being left to languish in the camps in Thailand. We fought very hard for the notion that they, too, can have access to resettlements. Senior U.S. officials who felt that it was good enough for them to fight for our country, also felt that they were "too primitive" to come to this country.

We successfully overturned that view and, as you have learned, over 100,000 Hmong have come to this country. There are now—let us be clear—33,000 to 35,000, perhaps up to 40,000 Hmong, still in Thailand; 23,000 in camp of equal concern, 10,000 or more outside of camp. There should be no confusion about those numbers. What we need to do is to give those Hmong free choice, as we have always tried, between going back to Laos, if that is what they wish, or coming to this country. That should be the guiding principle by everything that we do.

I would urge that we look more closely at monitoring for those who are returning in Laos. The comments earlier are absolutely accurate: monitoring is superficial and shallow both by the UNHCR and by the U.S. Embassy. We need to augment the teams that are doing the monitoring. We need to augment them with Hmong speakers. I can tell you the UNHCR monitoring is done by Lao, Lao with close associations to the current government. They do not speak Hmong.

We have conducted at Refugees International the only assessment, to my knowledge done by an NGO, of country in Laos of the returnees. It was difficult for me to work because I did not trust working with the people who had been sent along with me. I tried my best to talk to the Hmong returnees in my Thai. We have sense lost track of this group in Moong Ping and Sai Ja province. We think many more visits need to be made to Hmong who have returned. We think there ought to be transparency. As one of those

present today said, we have long recommended visits to each site within 15 days of people being returned, follow-up visits with people who speak Hmong and Lao, and people who can speak privately with these refugees. There has to be a transparent, open and credible process. There is not right now. We are seeking to go back in the very near future to do another monitoring trip. We will be interested to see if this is possible.

We finally want to suggest that cutting off resettlement at this stage, as has been envisioned by some, should not happen until there is clearly room for improvement in the situation in Laos. We have talked about the disappearance of Vue Mai. Clearly, the disappearance of a senior leader in Laos does not give confidence to Hmong about going back to Laos. The time is overdue for the Lao Government to make public its efforts to find Vue Mai and for the State Department to suggest other actions that can be helpful in discovering what has happened to him.

In closing, let me say, Mr. Chairman, that the Hmong Americans here today give me great hope for the future. We are finally going to be getting the Hmong, I hope, out of the shadows where they have suffered, as compared to Cambodia and Vietnamese refugees. It is a great day when we have Hmong Americans from around the country showing their interest in their fellow compatriots, and I plead your committee to continue its interest. This has been a very important hearing.

I would simply second the notion of an early visit to the region by members of your committee. I had the pleasure of welcoming over the years a number of your members. We would be glad to work with you in planning a visit. I would like to see such a visit before the June 2, 3 meeting of the U.N. in Bangkok so that our concerns can reach those directly responsible for implementing this program.

The Hmong were our most trusted ally in the war in Laos. They deserve much more from us and not the current apathy.

In closing, I just want to draw your attention to Cambodians who are being pushed back by the Thai and who need cross border assistance from the international Red Cross. We need U.S. leadership on that.

We would also hope that the United States would better monitor the refugees from Burma, both in Bangladesh, where we have a representative now confirms they are under great pressure to return to Burma prematurely and in Thailand where there are also refugees from the minority people. We have been recommending the assignment of a special envoy to assist in resolution of the situation in Burma.

Mr. Chairman, thank you, again, for this opportunity to appear, and we wish you luck as we work with you on the future of the refugees from Indochina.

[The prepared statement of Mr. Rosenblatt appears in the appendix.]

Mr. ACKERMAN. Thank you, Mr. Rosenblatt. First, a couple of questions for Dr. Thang. How many Vietnamese are currently in the Hong Kong centers?

Mr. THANG. The last figure that I—we have obtained is 26,000 in Hong Kong.

Mr. ACKERMAN. 26,000. And how many of those have been screened-in?

Mr. THANG. Most of those have been screened-out, and a few thousand—

Mr. ACKERMAN. Most have been screened-out?

Mr. THANG. Yes. A few thousand are still awaiting screening decisions.

Mr. ACKERMAN. So you would say 20,000 of the 26,000 have been screened-out?

Mr. THANG. I would say that more than that, around 24,000.

Mr. ACKERMAN. Twenty-four out of the 26. Of those who were screened-out, how many do you think might face the possibility of persecution when they are repatriated?

Mr. THANG. It has hard to say because we do not have access to the population in the camps. An educated guess would point to around 3 to 5 percent of the general population in all of Southeast Asia and Hong Kong altogether.

Mr. ACKERMAN. Three to 5 percent of the 20—

Mr. THANG. Of the 56,000 now in Southeast Asia and in Hong Kong. The percentage tends to be smaller in Hong Kong than in other.

Mr. ACKERMAN. Why?

Mr. THANG. Because the majority of the boat people in Hong Kong are from the North, and it is much harder for them to establish refugee claims than people from the South.

Mr. ACKERMAN. Do you believe that they can safely return to Vietnam?

Mr. THANG. I believe that for the large majority, yes, they can safely return to Vietnam.

Mr. ACKERMAN. And what steps do you think should be taken to redress the violent environment that has been reported, both in the press and here today, within the camps?

Mr. THANG. I would suggest that cooperation and encouragement and incentives be used, instead of confrontation and force.

Mr. ACKERMAN. Are there steps that the Vietnam Government could take to encourage more rapid repatriation by the Vietnamese from Hong Kong?

Mr. THANG. I think that better monitoring and more flexible access to the boat people in Vietnam would help. I understand that there are only around six monitoring offices of the UNHCR truly working in Vietnam to monitor about 60,000 returnees.

Mr. ACKERMAN. What is the most important thing that you think that this Congress can do to help the situation?

Mr. THANG. I believe, Mr. Chairman, that there are four factors that are blocking the final solution to the CPA at this moment—actually, the voluntary repatriation program. One is fear of persecution among a small number of people who have strong claims, but have been erroneously screened-out as nonrefugees. They cannot return. Second, there is a factor of hope—false hopes among many people of a 25th-hour solution by the international community to resettle everyone. Third, is the factor of shame. A number of people in the camps consider it a failure—an admission of failure if they go back to Vietnam now. And fourth is the factor of trust.

The UNHCR unfortunately has lost the trust and confidence of the Vietnamese boat people in the camp in general.

And so, I would like to suggest that this subcommittee work very closely with the Department of State and play an active role in addressing those four factors.

Mr. ACKERMAN. Thank you very much.

Mr. Rosenblatt, if I can turn to you for a moment. Who do you think was responsible for the disappearance of Vue Mai?

Mr. ROSENBLATT. I do not think I have any good idea on the answer of that. But I do believe that we should have been pushing even more vigorously for a response from the Lao and that we should be pushing for them to make public what it is they know. We believe that they had a fairly close picture of the activities of Vue Mai once he had returned and, therefore, they must have some idea of some of the people who were interested in dealing with him.

I do think, also, that we should have gone in writing to the Lao Government at an earlier stage. I am not sure we have, even to this point, requested an official inquiry to be made public. Certainly, the confidence of his clan members in Thailand has been eroded and the comment that is sometimes made, that "his fellow clansmen in Thailand should still be happy to go back to Laos," obviously should be subject to review. They have real concerns.

Mr. ACKERMAN. Do you or Refugees International have any evidence that Hmong in the Thai camps who have chosen to return to Laos have been subjected to persecution?

Mr. ROSENBLATT. We do not have any direct evidence, but that does not mean that some that have gone back have not encountered problems. We are a small organization. We do not have field staff in Laos. We rely on reports, and you will hear from others today who believe that people have been subject to persecution.

We want to go back ourselves to look more closely at this situation. We know that the present monitoring capacity of the UNHCR and, indeed, of the U.S. Embassy is not sufficient to give us assurance that we are able to catch such persecution at an early date. So I have a question mark about that and I think we all need to be more vigilant about answering that.

Mr. ACKERMAN. Is it your understanding that most of the Lao returning to Laos over the past 2 years have been eligible for resettlement in the United States and elsewhere?

Mr. ROSENBLATT. There has been a mixture. Certainly, a substantial proportion has been eligible for resettlement. But also included have been some screened-out and we are particularly concerned that the screened-out may have been subject to a fair amount of coercion in their decision to go back. The notion that an appeal process is in place that is fair and credible for the Hmong, I think, is wrong. It has languished behind the Vietnamese appeal system even, and I think it needs—

Mr. ACKERMAN. Are you saying that there is no appeal system or no viable appeal system?

Mr. ROSENBLATT. No viable appeal system. I think there is a rudimentary appeal system. I think the Hmong have not been adequately informed about it. I am not even sure if there is written guidelines that are issued to the Hmong in their language about the appeal system. That needs to be looked at and improved.

Mr. ACKERMAN. Given the fact that the overwhelming majority of Hmong have been screened-in, why should we, indeed, look for a different appeal system?

Mr. ROSENBLATT. Well, I think anybody who has worked for the U.S. Government in the CIA-paid special guerrilla units should be screened-in based on that service. I do not believe that at the current conjuncture in Laos, you can postulate that such a person can return without a credible fear of persecution. So I think per se there is a problem with the way people have been screened-out.

That being said, I think people who choose to go back, either with that background or have not had a political background, should have that option, and we should be working on the economic development areas to make sure that they can rise upon subsistence level.

Mr. ACKERMAN. Mr. Gunderson. Well, let me—let me thank this panel for their articulation of the issues. Dr. Thang, did you have something you wanted to say?

Mr. THANG. Yes, Mr. Chairman. With your permission, I would like to submit a statement by the National Congress of Vietnamese in America for congressional record.

Mr. ACKERMAN. OK. If you submit that to the staff for review to make sure it is of appropriate size,—

Mr. THANG. Thank you.

Mr. ACKERMAN [continuing]. Et cetera, without objection, at the staff's direction, it will be placed in the record if it meets the criteria.

Mr. THANG. Thank you, Mr. Chairman.

Mr. ROSENBLATT. Thank you.

Mr. ACKERMAN. Thank each of our panelists. And Ha, thank you, very much. I appreciate your being here. I know how difficult it was, especially for you; but you did a wonderful job and a lot of people are going to be helped because of what you did today.

Mr. NGO VAN HA. Thank you very much, Mr. Chairman, for my opportunity to tell about my story. But my story is only one of many. Please help them as well.

Mr. ACKERMAN. We are going to try to do that.

Mr. NGO VAN HA. Could I personally deliver the paper about my brother to you?

Mr. ACKERMAN. Please. I would glad to receive it.

Is William Colby here?

Dr. HAMILTON-MERRITT. Mr. Chairman.

Mr. ACKERMAN. Yes.

Dr. HAMILTON-MERRITT. I am Dr. Hamilton-Merritt, and Mr. Colby asked me to tell you that he was informed that he was to testify at 1:30, and he was here earlier and that he left just a few moments ago. He apparently had been given the wrong time. He thought he was on at 1:30. So he handed me a copy of his testimony when he departed. But I think you probably already have it. But he apologized. He had to go.

Mr. ACKERMAN. We will place William Colby's statement in the record.

[The prepared statement of Mr. Colby appears in the appendix.]

Mr. ACKERMAN. Our next panel consists of Ms. Dawn Calabia, UNHCR; Mr. Hiram Ruiz, U.S. Committee for Refugees; Dr. Jane

Hamilton-Merritt; and Ms. Connie Woodberry, Senior Program Officer, World Education. Let me welcome the panel. I hope I have pronounced everybody's name correctly. And what is the order of—we will go from left to right? Do you want to go from right to left? It does not matter to me. I am going to sit here through the whole thing. Ms. Woodberry, would you begin?

Ms. WOODBERRY. Sure.

STATEMENT OF CONNIE WOODBERRY, SENIOR PROGRAM OFFICER, WORLD EDUCATION

Ms. WOODBERRY. Mr. Chairman, members of the committee, my name is Connie Woodberry and I am one of the headquarters' directors of the Consortium. In that role, I have recently returned from the Lao Peoples Democratic Republic, where I was able to personally visit the hilltribe repatriates. The Consortium is a collaboration of three long-established U.S. NGO's: Save the Children/US, World Education, and World Learning, each of which has implemented education and development programs around the world for more than 60 years.

The Consortium was formed in response to the needs of the Indo-chinese refugees. During its 14 years of operation in Southeast Asia, the Consortium has provided services to more than 200,000 refugees, initially in the form of training for U.S. resettlement and in the last 2 years through repatriation related projects in Vietnam, Cambodia, and the Lao PDR. Our Phanat Nikhom, Thailand program continues to train nearly all the Hmong and other hilltribe refugees coming to the United States. The training includes English language, American cultural orientation, pre-employment skills, and, for the youth, preparation for American secondary schools. The Consortium is serving hilltribe refugees once the individual has made a decision regarding his or her option to choose either resettlement to the United States or the repatriation to the Lao PDR.

Since 1992, with UNHCR funding under the terms of the Tripartite Agreement, the Consortium has, with four Lao speaking expatriate staff, assisted repatriation to the Lao PDR of more than 1,400 hilltribe Lao in Luang Prabang and Sayboury provinces, with an expected additional 1,500 Hmong to be repatriated in the coming year. We strongly believe the work we are doing in the Lao PDR is very important, both in assisting the hilltribe repatriates, as well as maintaining an NGO presence in the Lao PDR.

Our interest in accepting the invitation to speak before the committee today is to share our experience and the facts as we know them from our almost 2 years of work with the hilltribe repatriation in Laos. In addition to describing the relevance of our activities to the concerns of the committee, we would like to make three points:

First, we are aware of the concern over what has happened to Mr. Vue Mai. However, in the last 2 years, we have neither seen nor heard of any harmful or discriminating acts against the repatriates with whom we have worked. We see no advantage to the Lao PDR to have been involved in whatever has transpired with Mr. Vue Mai, since it would only serve to negate the efforts which have been made thus far in support of repatriation. Further, we

know from our staff in Laos that nearly 1,000 hilltribe who live in Thoulakhom, which is very close to where Mr. Vue Mai lived, have all stayed, not feeling any lack of personal security due to Mr. Vue Mai's disappearance.

Second, the U.S. support—the U.S. policy of supporting the choice of repatriation or resettlement is very constructive since it recognizes the political, economic, and human complexities involved in the ultimate resolution of the Indochinese refugee situation. The Consortium works both in repatriation and in the training of refugees for resettlement. Both avenues need to remain as options with accurate information, based on facts, available to those individuals making choices. One must not confuse the implementation difficulties in the screening of cases in Thailand with the validity of the overall policy.

Third, from our observations, the factors which influence the choices of individuals vary, but they include: (a) perceived economic and welfare advantages in the United States, which most recently are negatively impacting on the resettlement choice; (b) limitation of choice due to the policy of not splitting families, which primarily limits the choice for women since, if the husband does not pass the drug test, or decides he does not want to resettle, they are no longer eligible for resettlement and are left with only the repatriation option; (c) there is the fear on the part of parents and youth that youth will not succeed in the United States; and (d) the perceived difficulties with life in the Lao PDR which, based on our experience, is no different from other Lao citizens in similar areas.

The main goal of the repatriation program is to ensure that Lao citizens currently in refugee camps make a smooth transition back into Lao society, and are able to achieve food security and economic integration in the shortest possible time.

Project related field activities have always involved the full participation of the repatriating settlers and the residents of contiguous communities.

The Consortium's mandate has been to support the development of all aspects of a new community which will ensure that basic human needs are met, as well as ensure that the community will be self-sustaining in the future.

Finally, I would like to quote from one of our field office reports on intensive interviews with repatriate women at group resettlements. "The repatriate women feel happy to be back in Laos. In all the villages they said that, although in many ways their lives in Laos are more challenging than they were in the refugee camps, they are very happy to be living in a village, with their own homes, land, and freedom. The women said that they have no desire to return to Thailand and would prefer a more challenging life here than a life of confinement there. All of the women felt that they are facing a serious shortage of land for cultivation and raising animals. This remains their biggest concern for the future."

In summary, we know of no action on the part of the Lao PDR intended to discriminate against hilltribe repatriates. From our reports, we know that during malaria outbreaks, repatriates and the local population were served equally by government health clinics. Again from our staff reports, we have heard no instances where repatriate children are not equally included, as government schools

are established for repatriate and local communities. And the U.S. policy of supporting individual choice of repatriation or resettlement is sound, as is the decision to support programs in Thailand and the Lao PDR to accomplish these policy goals.

I request the full written testimony be submitted with the oral testimony in the record.

Thank you, Mr. Chairman, and members of the committee.

[The prepared statement of Ms. Woodberry appears in the appendix.]

Mr. ACKERMAN. Thank you very much. The Chair was reminded that he was negligent in swearing in the witnesses. So if I might be able to do that. Please stand.

[Witnesses sworn.]

Mr. ACKERMAN. I believe Dr. Jane Hamilton-Merritt is next. Welcome.

Dr. HAMILTON-MERRITT. Thank you.

STATEMENT OF JANE HAMILTON-MERRITT, JOURNALIST

Dr. HAMILTON-MERRITT. Mr. Chairman and members of the subcommittee and others who are interested, thank you for holding these hearings today.

Allow me to introduce myself briefly. I am a writer, historian, and a journalist who covered the Vietnam war in the 1960's. I also reported from Laos—the secret war in the critical Lao theatre of the Vietnam war. And I am also the author of a book recently published on the Hmong called “Tragic Mountains,” which chronicles the experience of the Hmong people as a distinctive ethnic minority in Laos who first fought with the French and then with the Americans against the North Vietnamese and the Pathet Lao.

Mr. Chairman, I want to emphasize I am not an employee of a nongovernment organization receiving money for refugee resettlement work, nor am I a lobbyist—paid or unpaid—for the current Government of Laos, nor am I associated with any organization attempting to do business in Laos.

The U.S. Government's current interest—its “overriding concerns” is the phrase I think Mr. Hubbard used in his testimony earlier this afternoon—in Laos focuses on seeking a resolution of the American POW-MIA issue and on curtailing the trafficking of drugs. The U.S. official position seems to be accommodation of the current regime in order to effect gains on these two issues. There is little U.S. pressure—or even interest by some parts of the State Department—to push for the elimination of human and civil rights abuses or to push for a multiparty political system in Laos.

You can see why the professionals in the State Department, who never had a working relationship with the Hmong like the Defense Department and the CIA did, seem little concerned. That, however, does not justify State's policy, let alone spending our money on doing it. Hmong continue to suffer as a result of their previous association with the United States.

The State Department contends that there is no credible evidence of coerced repatriation, of a flawed screening process to determine refugee status, or of abuses, discrimination, neglect, or worse of Hmong repatriated returnees to Laos. And as a result, the

repatriation program of Hmong continues, funded in part by U.S. taxpayers' money.

And I understand, and it was confirmed here today from my sources in Thailand, that there will be a movement of 400 Hmong from Na Pho camp to Laos in the next few days.

Mr. Chairman, I am here today to tell you that there is significant and credible evidence that the Hmong are being coerced to return to Laos and of abuses against them. Later, you will hear from a gentleman who has collected dozens of affidavits that substantiate forced repatriation of Hmong political refugees and asylum seekers. In fact, there are Hmong in this room today who came in bus loads from Minnesota and Wisconsin and Pennsylvania and some from California who wanted to testify also to tell you about their own experiences.

There is, in addition, a part of the State Department that is not charged with resolving the POW-MIA issue and not charged with curtailing heroin traffick, but charged to assess the human rights situation in Laos.

Their report is damning. The State Department's current "Country Report on Human Rights Practices" concludes that the ruling Lao Communist party restricts freedom of speech, press, assembly, denies the rights of privacy and of citizens to change their government. It monitors international mail and phone calls, Lao society, and foreigners. Arrests are made on unsupported charges; accusers' identities are withheld. Trials are not public. Prisoners—many political prisoners—labor for both state and private enterprises. Human rights groups are not allowed. There is no freedom to travel without government permission. Suggesting a multiparty system brings long imprisonment. Importantly for the Hmong, minority tribes have virtually no voice in the decisions affecting their lands. That part of the State that looked at this apparently found plenty of "credible evidence" to conclude that Laos is a police state, and they are right.

Did you all look at the photograph of the man on the cover of this recent *Philadelphia Inquirer Sunday Magazine* article by Marc Kaufman. Here is a man who volunteered to return to Laos under the repatriation program before it was understood to be deceitful and before Vue Mai disappeared. Here is a man—a former soldier associated with the United States—and he is crying in fear that the United States supported repatriation of him and his family will take place soon.

When Marc Kaufman sent a copy of this article to a Hmong returnee in Laos whom he had interviewed for the article, this Hmong wrote to his uncle in the United States telling him that when a copy of this article arrived in Laos, it was seized by the authorities and the subject, fearing for his life, asked his uncle to not send any more such articles to him.

As recently as last month, March 3, 1994, those working the U.S. Embassy in Vientiane prepared a four-page document called "The Repatriate Life." While ostensibly showing there is no problem with the repatriation efforts, "The Repatriate Life" admits that the LPDR has denied the U.S. Embassy and the UNHCR attempts to visit returnees' resettlement villages in Xiang Khouang province, the area of the Hmong homeland, where there are returnees.

Where Hmong refugee settlement areas were visited, the villages—some would call “Potemkin refugee villages”—the repatriation resettlement sites for the returnees to Laos appear to be surrounded by the LPDR military. And whenever visits were permitted, they were carefully managed and government interpreters were provided.

This is not proper monitoring. Proper monitoring must have unannounced on-site field visits by credible independent investigators, using nonbiased interpreters with the U.S. Government standing firmly behind a nonretaliation policy for the persons involved.

Tens of thousands of Hmong have escaped to Laos—to Thailand, from where many were resettled in the West.

The blue light has come on. What does that mean?

Mr. ACKERMAN. It means keep going.

Dr. HAMILTON-MERRITT. OK. I just noticed.

Tens of thousands of Hmong escaped Laos to Thailand, from where many were resettled in the West. Many are now U.S. citizens and many are in this room. Many, however, still have family in Laos and in refugee camps in Thailand. And now my figures show that some 35,000 to 50,000—and maybe even more than 50,000—Hmong remain in Thailand, afraid to return to Laos because they fear persecution and retribution. Yet, some of these Hmong political refugees and asylum seekers are being involuntarily repatriated to Communist Laos, their sworn enemy, in a program using U.S. tax dollars.

While many Hmong want to return to their Lao homelands, the fact is that they cannot return safely because the current Lao Government remains perhaps the most closed, secretive and repressive in the region.

My research shows that virtually all information about the conditions in Na Pho camp reported to the U.S. Embassy in Bangkok comes through either the UNHCR or the Thai Ministry of the Interior, the MOI, which runs and guards the camps. This is like asking the “foxes” to report on the conditions of the “chickens.” As a result, the U.S. Embassy in Bangkok has little accurate knowledge of the Hmong situation in Na Pho camp or of Hmong experiences in the screening process, or of camp life and the denial of life’s essentials—food, water and charcoal—to scare and threaten refugees to volunteer to return, or of their current feelings about repatriation to Laos after the disappearance of Vue Mai.

Corruption and unfairness in the screening process to determine refugee status in Thailand remains widespread. Over the past 3 years, an impressive number of first-hand eye-witness testimonies document this. While this documentation is substantial, the U.S. Embassy in Bangkok and the State Department’s Bureau of Refugee Programs in Washington insist there is no credible evidence that the Hmong are being involuntarily returned to Laos.

It is no wonder, then, that since this U.S.-backed repatriation program began, some 15,000 Hmong have escaped the camps in Thailand. The figure may be higher, as I told you. Some 12,000 Hmong have found sanctuary in Wat Tham Krabok, a Buddhist temple north of Bangkok. Another 12,000 are held in the Na Pho camp, and this Na Pho camp is the last stop before repatriation. I believe that the figure given by Ms. Oakley was that 2,000 were

screened-out. According to my information, if you are in Na Pho camp, you are heading back to Laos. So I think we ought to look into what the figures mean here.

The desperation is evident in Na Pho camp. Those held there know they are going to be repatriated. This fear shows in their audio tapes, their letters, their phone calls, their pleas for help to stop the repatriation.

Logic would say that if the Hmong in Na Pho refugee camp had willingly signed up and were eager to return to Laos, why, then, is there a need for increased security at Na Pho? Why the installation of a high-security area inside the camp with metal fencing? Why are outsiders unwelcome at this camp? Why are so many cassette tapes and letters coming from those in Na Pho camp reporting that they are being forced back to Laos?

Hmong political refugees and asylum seekers fled to Thailand to escape the harsh regime in Laos. These disenfranchised people who face coerced repatriation to Laos are former allies of the United States in the secret theatre of the Vietnam war. They have suffered "ethnic" and "political"; cleansing by the Lao Government, primarily as a result of their long fight against Communist Lao and Vietnamese in Laos, and of their close and important relationship with the United States during the Vietnam war.

The U.S. policy to support coerced repatriation of our former allies seems to be in violation of principles sacred to most Americans. Yet, today, their tax dollars are being used for this purpose.

The present U.S.-supported policy of coerced Hmong repatriation is also in stark contrast to the administration's human rights policy toward China. This duplicity in a neighboring country cannot have gone unnoticed by China. The question is: did the U.S. notice?

I strongly recommend, Mr. Chairman, an immediate 4-year moratorium on all Hmong repatriation from Thailand to Laos.

After a moratorium is in place, Mr. Chairman, I recommend that the Congress request a Presidential determination authorizing \$10 million from ERMA, the Emergency Refugee Migration and Assistance fund—under Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962. As amended, 22 U.S.C.S 2601(e)(1)—to send emergency humanitarian assistance to allow the Hmong refugees and asylum seekers in Thailand to remain there until they can be resettled in third countries over several years if they so desire. We must help save the Hmong refugees and asylum seekers at the Na Pho refugee camp—the repatriation camp, at Wat Tham Krabok, and others who are in hiding or are in jeopardy in other camps in Thailand from being sent back against their will.

I will just go on to my concluding remarks.

Mr. ACKERMAN. Without objection, your entire statement will be placed in the record.

Dr. HAMILTON-MERRITT. I will go to my concluding remarks then.

Mr. Chairman and members of this committee, just a final plea. I have known the Hmong people well for almost 20 years. I know the refugee communities in this country, France, Asia; I know them well. I have heard their pleas for so many years. I know them to be truthful people. I know that they have been unjustly abused for some time.

Please give your special, individual attention to follow up on what you have heard here today. Do not let the Hmong desperate present plight be brushed away with "we are on top of this situation." That is merely "business as usual" in this complex process of administrative procedures while Hmong suffer. There is more to this issue, I assure you, than has been discussed here today. Please continue your inquiries to delve deeper into this shameful matter.

This issue will not go away. Bus loads of Hmong have come here today. This Saturday, April 30th, there is a Hmong Human Rights Conference in Green Bay, Wisconsin, and about 1,000 Hmong are expected to attend, and I assume that Congressman Roth might be there as well.

I thank you and particularly the Hmong thank you for your attention, your interest, and for your willingness to hold this hearing on Hmong repatriation issues over the objections of the Department of State. I request that my written testimony also be submitted for the record.

[The prepared statement of Dr. Hamilton-Merritt appears in the appendix.]

Mr. ACKERMAN. Thank you very much. Mr. Hiram Ruiz.

STATEMENT OF HIRAM RUIZ, U.S. COMMITTEE FOR REFUGEES

Mr. RUIZ. Mr. Chairman, I am Hiram Ruiz, Asia policy analyst for the U.S. Committee for Refugees. Thank you for offering me the opportunity to present the views of USCR concerning the situation of Hmong refugees.

Besides the brief oral remarks that I will be making, I have provided the committee with more detailed written testimony that I would appreciate being incorporated into the record.

Mr. ACKERMAN. Without objection.

Mr. RUIZ. I would also like to draw the attention of the committee to a written statement that was submitted to the committee by a group of young Hmong Americans who have identified themselves as Hmong Americans for a Peaceful Future. Their statement offers an important perspective, and I ask that it, too, be included in the record.

Mr. ACKERMAN. If you will submit that to the staff, they will check for the appropriate size. It has been submitted already? I am advised it has already been submitted. Without objection, we will include that in the record.

Mr. RUIZ. Mr. Chairman, as you are well aware, the Hmong are a group that have had a special and important association with the United States. Yet, for many years, relatively little public or official attention has been focused on them. Those discussions that have taken place have been polarized and highly charged.

Perceptions about the current situation of the Hmong and about what U.S. policy toward the Hmong should be vary widely. That polarization is being reflected in the testimonies presented at this hearing.

In my statement, I will identify the specific concerns that the U.S. Committee for Refugees has regarding the current situation and the future status of Hmong refugees in Thailand, and will make recommendations that could, if acted upon, ameliorate these concerns.

Our first concern is that the U.S. Government, and particularly U.S. Embassy officials in Thailand, appear to have become impatient with the Hmong in Thailand and appear to lack concern for their future. There appears to be a belief that the Hmong have had long enough to make up their minds about resettling in the United States; that those who cannot or do not want to resettle can and should return to Laos; and that those who do not are simply being obstinate or opportunistic.

That attitude is unfair. Many Hmong in Thailand genuinely fear repatriation to Laos. Based on the experience of Hmong who have resettled in the United States, many are also wary of resettling here and facing the difficulties of adjusting to life in the United States. It is, therefore, not surprising that many Hmong prefer to remain in Thailand. Yet, rather than pressing the Thai Government to allow the Hmongs to remain until their concerns can be properly addressed, some U.S. Government officials, themselves, dismiss the Hmongs' concerns.

We urge Congress to ask senior level State Department officials to review U.S. policy toward the Hmong and to urge U.S. refugee officials, in both Washington and Bangkok, to pursue policies that enhance, not limit, Hmong refugees' options.

Secondly, we are concerned regarding reports on involuntary repatriation of Hmong refugees and asylum seekers, reports of ill treatment of repatriated Hmong, and of reports of the disparity in the perceptions of the concerned parties regarding the voluntariness of the repatriation and the safety of the returnees.

Some Hmong organizations and leaders say that the Thai authorities routinely force Hmong refugees back to Laos, while UNHCR, Thai and U.S. Government officials say that the Hmong who have repatriated have done so voluntarily. Some Hmong leaders also say that Hmong refugees who return to Laos are persecuted and abused, if not outright killed. These alarming claims understandably cause fear and consternation among Hmong in the United States and Thailand. But the organizations making these assertions do not provide the necessary specific details or concrete evidence.

UNHCR, Lao, Thai and U.S. Government officials argue that the Hmong are safe upon return. But the Thai and Lao Governments are not the most reliable sources on this issue, and as we have heard, the monitoring capacities of the United States and UNHCR in Laos are very limited.

While we do not have first-hand evidence that the Thai authorities are currently using force to repatriate the Hmong, we can say with certainty that they subject the Hmong to considerable pressure to repatriate. Clearly, one of the most pressing needs regarding Hmong repatriation is an unbiased, independent investigation of whether Thailand is using force or coercion to repatriate the Hmong, and of the safety of Hmong who return to Laos. By such an investigation—I mean more than accelerated monitoring—I urge Congress to press for such an investigation which could be carried out either by a special rapporteur appointed by the U.N. Human Rights Commission, as has been done in other countries, or by an international delegation that could include nongovern-

mental organizations, governmental representatives and, of course, Hmong speakers.

Thirdly, we are concerned about calls for an end to U.S. support for programs to assist Hmong who repatriate to Laos. We believe that it would be premature and inappropriate to end U.S. financial support for programs that assist the reintegration of those Hmong who do repatriate and that enhance their safety by having international staff working on these programs. We recommend that Congress continue to support these programs.

USCR is also concerned regarding the fairness and competence of the screening, or refugee determination process, in Thailand, the limited access of screened-out Hmong to the appeals process, and the fairness of thoroughness of that appeals process.

Thailand's system for screening Hmong refugees to determine whether they have a valid claim to refugee status has been criticized for many years. In 1993, an official involved in refugee assistance programs in Thailand made a careful study of 31 screened-out Hmong cases, and concluded that 8 of the cases appeared to be potentially eligible for recognition as refugees and for admission to the United States as refugees based on INS criteria. Another six cases appeared to have at least a 50-50 chance to qualify for such refugee recognition and U.S. admission.

An appeal and review system exists, but it is difficult to access and the appeals are often rejected. Despite these obvious flaws, the U.S. Embassy in Bangkok and the State Department in Washington have shown little interest in supporting a review of screened-out cases.

Given that there are only about 1,600 screened-out Hmong, reviewing the cases of those who claim that they were unfairly denied refugee status should not be an impossibly cumbersome task. We ask you to urge the State Department to press UNHCR and the Thai Government to undertake a review of the cases of screened-out Hmong who dispute the decision and their refugee status determination hearing.

We are also concerned regarding restrictions already in place or anticipated that would limit the ability of Hmong with refugee status to apply for resettlement in the United States.

For many years, the Hmong have been under the impression that they could remain in Thailand. For that reason, some decided not to apply for resettlement. Now that they are being told by the Thais that they must resettle or repatriate, some of those who did not choose resettlement earlier may not wish to do so. The Thai Government has said that those who previously signed voluntary repatriation forms or who agreed to move to Ban Napho, the so-called repatriation camp, can no longer choose resettlement. The U.S. Government has reportedly considered setting a date by which eligible Hmong refugees who wish to apply for resettlement must apply.

We recommend that both the Thai and U.S. Government should allow Hmong who did not previously opt for resettlement, but who now wish to pursue it, to apply for it without unnecessary hindrances. Imposing a cutoff date at this time is unnecessary, and the State Department should postpone any decision on this matter.

Mr. Chairman, it would be difficult to find solutions for the Hmong that all will welcome. The wishes and attitudes of many of the concerned parties are deeply at odds. Many Hmong fear returning home. The Thai Government wants them to leave. Some Hmong leaders in the U.S. claim that repatriation is unsafe. The international community tires of financing the Hmong's continued exile. And the U.S. appears anxious to wind down Hmong resettlement.

The U.S. Government can do things that would ease the concern of both here—Hmong both here and in Thailand by ensuring that all those with valid claims to refugee status have a full and fair hearing, by making it possible for those with refugee status who are eligible and wish to apply for resettlement in the U.S. to do so, and by providing as many safeguards for those who return as possible. That is the objective of the recommendations I have made today. The State Department does not appear, at present, to see the need for these actions. I strongly urge you to impress upon the Department that acting on these recommendations could make a positive difference.

Thank you.

[The prepared statement of Mr. Ruiz appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Ruiz. Ms. Dawn Calabia.

STATEMENT OF DAWN CALABIA, SENIOR EXTERNAL RELATIONS OFFICER, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Ms. CALABIA. Thank you, Mr. Chairman, members of the committee. I appreciate the opportunity to appear here today.

It is somewhat unusual for an international organization to send a witness to a congressional hearing. But in the interests of accuracy, transparency, openness and credibility, the High Commissioner agreed that someone should be present here today, and I have been designated to do that.

Mr. ACKERMAN. We appreciate that.

Ms. CALABIA. Thank you. I sit on an unfamiliar side, since I used to sit on the other side with congressional staff. The last time I was in Laos was in 1988 when I was being told then that all the camps were going to close in Thailand and we had to do everything we could to convince the Hmong to go home, to go back to Laos, or to come to the United States for resettlement. So here we are in 1994 and we are still talking about this situation because, obviously, individuals everywhere in the world should have the right to remain where they can be safe and secure. The question, as an international organization, is how do we make that happen.

One-hundred-and-twenty-five states have acceded to the basic protocols that govern the treatment of refugees around the world, article 33. However, many states in Southeast Asia have not yet acceded to these instruments. The region has a low rate of accessions to the universal human rights instruments, which, of course, constitute the general legal background to refugee protection, in addition to their relevance in areas of prevention and solution of refugee problems.

Several years ago, this committee held hearings to talk about the development of the Comprehensive Plan of Action. It was an effort to protect first asylum in Southeast Asia, to protect the rights of people who had to flee, while at the same time, dealing with the legitimate concerns of governments in the region. Because when there are refugees and asylum seekers, that means they are outside their homeland, they have to go somewhere.

Currently in the world, there are 16 million refugees, which means they are sitting on someone else's territory somewhere else in the world. UNHCR is the organization which tries very hard to work with governments, to work out the situations under which people can stay, particularly people who are at risk if returned. UNHCR endeavors, to the extent of its capacities, to deal fairly and openly with the asylum seekers, with the host governments, and also to encourage governments to be more generous in the offering of asylum and temporary refugee status to people who have to flee or feel that they cannot return at this particular point in time.

We do not care whether the people are fleeing from Bosnia, from Cambodia, from Laos, or from Haiti. Our plea is the same. Sometimes we are successful; sometimes we are not.

In Southeast Asia, we have had an unusual tradition with the hospitality of the Royal Thai Government and its willing to permit people to stay on its territory for long periods of time. We welcome that and recognize that Thai Government has not acceded to the refugee convention. The Thai Government has also permitted a number—70,000 Burmese to stay in Thailand. They are from different ethnic groups. The UNHCR is not permitted by the Royal Thai Government to provide assistance to that group, but we are, permitted to visit the areas where they are held. We also have taken action to try to protect some 2,500 former students and dissidents who have made their way into Thailand from Burma, or Myanmar as it likes to be called at the present time.

UNHCR tries to convince people about the need to recognize credible refugee claims and to try to make it possible for people to return home. Less than one percent of the world's refugee population is ever resettled. The general and most preferred solution by the international community is return to the homeland; to make it possible for the people who fled the country to go back and live in safety and security. And that is what we are all about, Mr. Chairman.

Earlier this year, UNHCR brought to the United States Mr. Werner Blatter, who is the director of our program for Asia and Oceania. Mr. Blatter met with the staff of the House Foreign Affairs Committee, and he also traveled to California, and he met in the Washington area, as well, with representatives of local government, but also more importantly with representatives of the Hmong Lao community and the Vietnamese community to talk about the changes that were coming in the Comprehensive Plan of Action.

I would also point to the fact that this committee held a hearing in 1991 when we all thought the Comprehensive Plan of Action was going to end in 1992. And I would restate what Mr. Blatter said during that visit to the United States. What we have before us is a 2-year plan. We hope and are going to work to see if it is possible by the end of 1995, for people to be able to go home or to

be resettled internationally. That is our goal and that is our commitment to do that. UNHCR is unalterably opposed to the use of force, of physical force, or threats to make people go back.

At the same time, we recognize the fact around the world that governments have the right to determine their own processes for illegal immigrants, for immigration procedures, and for the granting of asylum or temporary refugee status, or whatever nomenclature they please to use. For instance, the Royal Thai Government for years has referred to all of the people not their citizens on their territory as illegal aliens in Thailand. The Ministry of Interior—which I think it is very important to emphasize—the Ministry of Interior operates the camps for the Lao asylum seekers and the Lao refugees.

Ban Napho camp, which we talked about today and which I have visited with members of this committee in 1988, currently has between 12 and 13,000 people. Let me tell you what it was like in January of 1994. Of the Hmong who were living in Ban Napho camp, 8,556 were refugees. There were 7,200 what we call *prima facie* refugees. They came to Thailand before 1985, before individual status determination procedures were established, and so they were conceded to be refugees. That meant that they were eligible for resettlement if they wished.

Of the persons who are at Ban Napho camp, 1,360 in January were screened-in through those asylum procedures that we have been talking about, the refugee status determination procedures. These are operated by the Royal Thai Government, but the UNHCR plays a role in terms of counseling the individual, trying to give information. The Royal Thai Government did not permit UNHCR to distribute written materials exactly explaining in detail the process and how it works. There is a very summary statement that they permitted us to give out.

Other governments in the region have acted similarly. In Hong Kong, you had an unusual situation where the Hong Kong authorities permitted individual agencies to go in and work, and also permitted volunteer attorneys, under Hong Kong's laws, to present cases and represent refugees. The Royal Thai Government does not permit that to happen. And so, you will not have a group like Project Lavas and others working in Thailand.

Governments make determinations about who shall have access to asylum seekers on their territory and how those people can be handled. Again, we work to do the best that we possibly can.

At the same time, at Na Pho camp, we also had 2,692 Lowland Lao, 2,408 of those persons were *prima facie* refugees—i.e., they came before 1985—280 were screened-in as a result of the screening procedures. At Ban Napho we also have the most contentious group: 1,643 Hmong who have been screened-out. We also have a few screened-out Lowland Lao cases. The screened-out are people who went through the refugee determination process and did not make it.

Now, we have heard allegations that the screening process is fraudulent. Every screening process has difficulties. Every screening process occasionally has problems. UNHCR, under the terms of the convention and its mandate, its duty and responsibility is to see that the claims of asylum seekers are presented and fairly eval-

uated. And if there is any kind of egregious cases that have been screened-out, if new or additional information is presented that is credible and that comes to our attention, we attempt to deal with that information and we will continue to work with cases where that has happened in Thailand in terms of the screening out; similarly, in Hong Kong.

Mr. Chairman, I would just like to read you something that the High Commissioner said at the convening of the CPA Steering Committee Meeting. And I would also like to submit a copy of the Steering Committee Statement, the official statement, that was adopted at the conference. It is about five pages for the record.

Mr. ACKERMAN. We will refer that to the committee as appropriate to be submitted for the record.

Ms. CALABIA. Thank you. "We should be under no allusions of with regard to the magnitude of the task which lies ahead of us in dealing with the last phases of the Comprehensive Plan of Action," said the High Commissioner. "As we approach the end of the CPA, our collective endeavors will require perseverance and clarity of purpose. We are dealing with individuals whose hopes and aspirations have been shaped by years of history and often colored by false expectations. Many individuals still believe that life in the camps is better than what lies ahead should they return home. Many still dream of resettlement . . . I hope that the same humanitarian spirit, which has guided first asylum countries in their response to the Indochinese refugee problem, will continue to be applied to all groups of asylum seekers in the region, regardless of their country of origin."

Mr. Chairman, in my testimony today—my written testimony submitted to the committee—I have included some tables where I have attempted to deal, to the best of my ability, with the cases that have been referred to UNHCR,—both in Thailand, in Laos, and in the United States—concerning persons who are at risk or where something had happened to them. I believe it appears in my testimony on page 7 and following.

There are allegations of security problems that affected eight Hmong refugees. When UNHCR investigated those cases in all but one case, which was, of course, the case of the disappearance of Vue Mai—all the others were unfounded—we, like everyone else, unfortunately, have not been able to determine what happened to Mr. Vue Mai and he is a source of much concern to us. And we have met with Mr. Vue Mai's family in the United States on several occasions and we have also tried to make it possible to get additional information for them.

So if you would look at that table, I would start at the front—we had Mr. Keopathoum. They alleged that he was arrested on arrival and that there was a double marriage in his situation. When we investigated the case, which meant that one of our staff—that small staff which everyone has pointed to—went out and talked to someone in the family and to the individual. It was a false rumor. There were no charges against the village guard. There was no double marriage.

In another case, we were told that Mr. Lao Va Yang, Lao Lee Fong and Lao Nor Chor were arrested by the authorities, the reason was unknown. There was a letter from relatives in Laos. We

found that that was a false rumor. We met with Mr. Va Yang. He said it was a false rumor. He said that some other relatives of his had been arrested. He did not know why, but these people were not returned refugees.

In another case, number nine, Mr. Thao Ka Toua, he was arrested. Another false rumor when we investigated. He—we had some pictures taken of him.

In another case, Mr. Vang—Yong Vang, that he had been arrested and accused of stealing a buffalo. When we went out to talk to the family, we found out that they did not have a buffalo because they had a tractor. They said that they were doing relatively well. They had had crop losses in 1993 from the floods, and we provided them supplementary assistance.

Finally in the case of Mr. Thao Khoua Pao, they alleged that he had been arrested by Lao authorities. The family said—three persons said they were happy and well. They were living in Sayaboury provincial capital with their relatives.

There were other allegations, as well, of missing individuals. And where we have specific information about the name, possibly the former camp number, the place where they would go back, we are committed to going and investigating. And I must tell you that to date, Lao authorities have cooperated with us in making those investigations possible. And certainly the change in the restrictions on movements in Laos will help all of us in this effort.

Finally, Mr. Chairman—I will not go through all the others; we have some more allegations of abuse in Thailand as well. And I must tell you that 3 days ago, I got a call from a congressional staff person very concerned about two Hmong because they represented an area with obviously many Hmong Americans, and there are a lot of rumors and there is a lot of misinformation. And it is obviously to all our advantages to try to put those things to rest and to look at what the situation is at the current time.

We sent the information to our branch office in Thailand. Those two people were interviewed yesterday in Thailand, and they signed new statements indicating that they wished to be voluntarily repatriated. I also want to tell you that when there is a repatriation out of the camp at Ban Napho, the Thai Government, obviously the Ministry of Interior, makes the arrangements, UNHCR oversees the system. UNHCR is present at the time the people are brought together. There have been many Hmong who have not showed up at those particular dates of repatriation when they had signed up to go back. Some come in and say they wish to have the dates changed. Normally that can be worked out. But over the history of this program, there have been Hmong and other Lao who have decided they do not want to go back at this particular time or they do not want to be resettled at this particular point in time.

The hard situation that all of us face is that in 1991, the Thai Government decided that people had to make a choice. U.S. Embassy employees, as well as employees from the other resettlement countries—France, Canada and Australia—went to the camps—the Hmong camps—the Hmong and Lao camps in Thailand in 1991 and told the community that this time this was it. The Thai Government really meant it, and they had to make a choice, and they

had to opt for repatriation or they had to opt for resettlement. And that resulted in the division of the camps.

If people now, at this point in time, decide that they want to change their mind, the Thai Government is telling us that that is impossible. The Thai Government tells us that if people really want to immigrate to the United States and they are eligible for U.S. visas, that they could apply in Laos in Vientiane, since the United States has a mission and Ambassador, and that they do not need to stay on Thai territory for those purposes.

Finally, Mr. Chairman, on the question of the unaccompanied minors, I think it is important for you to know that UNHCR is in the process of revising its guidelines for dealing with unaccompanied refugee minors, and has to take into account the whole question of the Convention on the Rights of the Child. But I would point out that in the Convention on the Rights of the Child, as it is interpreted most places in the world, the right of the family to maintain the contact and responsibility for the unaccompanied minor—and that is what the children in Hong Kong and other camps are—they are unaccompanied minors. In some cases, they may be orphans; in most cases, they are not. And under the Convention on the Rights of the Child, the traditional interpretation of the document is that children should be with their families.

If, however, there is a well-founded fear of persecution for the child, that makes it another situation. And that is why there were special procedures developed under the Comprehensive Plan of Action. It took far too long for those procedures to be established, and it has taken far too long to complete them but we must look at this process fairly and accurately.

I commend the members of the committee who, over the years, have taken a great deal of interest in pursuing individual cases, and I commit the United Nations High Commission for Refugees to continue to follow-up on these kinds of cases so that we can see that proper determinations are made in all these matters.

Thank you, again, Mr. Chairman, for your invitation, and I look forward to any questions you might have.

[The prepared statement of Ms. Calabia appears in the appendix.]

Mr. ACKERMAN. Thank you very much. Let me begin with you. You mentioned staff interviews taking place the other day. After chasing down rumors, the rumors evidently proved to be false.

Ms. CALABIA. Right.

Mr. ACKERMAN. Where do these rumors start and why do they start?

Ms. CALABIA. Well, I do not know. We got a—we got a letter—a copy of a letter that had been sent to a member of the committee saying that he had gotten a letter from Laos and that their family—

Mr. ACKERMAN. Letter from?

Ms. CALABIA. Excuse me, a letter from someone in the family.

Mr. ACKERMAN. A family member?

Ms. CALABIA. That is what was claimed. And that these people were being pressured to return, and that they were at risk if they went back, in one case because the person had been involved with the resistance. Again, we take those kinds of inquiries very seri-

ously, as we should, and we look to follow up and to try to get the best information possible.

The persons were in Ban Napho. We asked them to come in and talk to us, and they were interviewed in the presence of our field officer, and the durable assistance officer, and someone from our protection division as well.

I think sometimes people change their minds, too, in this process. It is obviously difficult. It is very tough to go back after a long-term absence from the country. The previous witnesses testified to the fact that there are voluntary—that for the repatriates to Laos, that UNHCR has been working with voluntary agencies to try and develop settlement projects where international staff could be present and where there could be a lot of ongoing contact with the returnees, and we think that is a good idea.

Mr. ACKERMAN. Thank you. Ms. Merritt, if I may—Dr. Merritt, a doctorate in history from?

Dr. HAMILTON-MERRITT. From Union Institute.

Mr. ACKERMAN. And you are a researcher as well?

Dr. HAMILTON-MERRITT. Yes, I am a journalist, historian, writer.

Mr. ACKERMAN. And you have done most of the research on this yourself or with the help of others?

Dr. HAMILTON-MERRITT. Yes, I have. In fact, "Tragic Mountains" took me 14 years to research and write. If you have looked at "Tragic Mountains," the last two chapters deal with this current situation we are talking about.

Mr. ACKERMAN. You have done the research here, or there, or both places?

Dr. HAMILTON-MERRITT. I have done research all over the world for "Tragic Mountains."

Mr. ACKERMAN. And on the Hmong?

Dr. HAMILTON-MERRITT. On the Hmong, yes. The Hmong live all over the world now. They are in France, and Canada, and Australia, and—

Mr. ACKERMAN. Has any of that research been done in Asia?

Dr. HAMILTON-MERRITT. Yes, it has. Indeed, it has.

Mr. ACKERMAN. In Thailand?

Dr. HAMILTON-MERRITT. Yes, it has.

Mr. ACKERMAN. Ms. Calabia, you stated that, like everyone else, you had come to no conclusion and that nobody knows what happened to Vue Mai. Is that accurate?

Ms. CALABIA. That is correct. That is correct, Mr. Chairman. I could speculate, but I think my speculation is no better than anybody else's, and I do not think that is our proper role.

Mr. ACKERMAN. Then, Mr. Ruiz, how do you know what happened to Vue Mai?

Mr. RUIZ. Mr. Chairman, I do not know what happened to Vue Mai either. We have reported—

Mr. ACKERMAN. You do not know what happened to Vue Mai?

Mr. RUIZ. We have reported on—

Mr. ACKERMAN. Does your organization know what happened to Vue Mai?

Mr. RUIZ. No, we do not know what happened to him. We have reported such things as we have heard at different points in time.

Mr. ACKERMAN. I am confused. I am juggling four sets of testimony here. Ms. Merritt, you know what happened to Vue Mai?

Dr. HAMILTON-MERRITT. Unfortunately, I guess I have to join the rest of the community.

Mr. ACKERMAN. In your testimony on page 7, your written testimony—

Dr. HAMILTON-MERRITT. Yes.

Mr. ACKERMAN [continuing]. "With State Department blessing"—I am reading—"he travelled to the U.S., urging Hmong to return to Laos and seeking to quell obvious fears and concerns."

Dr. HAMILTON-MERRITT. Wait, page 7?

Mr. ACKERMAN. Yes.

Dr. HAMILTON-MERRITT. That is not my page 7. Oh, you have single space and I have double space. Would someone give me a single space? I am reading from my double space.

Mr. ACKERMAN. Go to page 14 then.

Dr. HAMILTON-MERRITT. OK. Page 7—OK, page 7. "There is the disappearance of Vue Mai—"

Mr. ACKERMAN. Yes. At the end of that paragraph, you say, "Vue Mai disappeared on September 11, 1993 in Vientiane." And then, you quote—you cite and you say—I will quote it so it is not taken out of context—"According to the U.S. Committee on Refugees, he was arrested by Lao security forces."

Dr. HAMILTON-MERRITT. That I took from a newsletter of the U.S. Committee for Refugees, because they had followed this very closely—

Mr. ACKERMAN. But he says—

Dr. HAMILTON-MERRITT. Well, he was reporting on what they had heard.

Mr. ACKERMAN. Is—

Mr. RUIZ. Right. Well—

Mr. ACKERMAN. Could you straighten this out? Do you know what happened to—

Mr. RUIZ. No. At the point at which we first heard about this, we had someone in the field make some inquiries, and this was what that person was told and that is how we reported it in our article.

Mr. ACKERMAN. You reported it as hearsay?

Mr. RUIZ. Exactly.

Mr. ACKERMAN. And you reported on hearsay that he reported.

Dr. HAMILTON-MERRITT. Well, he did not say it was hearsay. He just reported what they had found from the field.

Mr. ACKERMAN. Part of the confusion of this whole issue is these rumors that go around, and what is real fact and what is just hearsay.

Dr. HAMILTON-MERRITT. Well, Mr. Chairman, I knew Vue Mai myself. I knew him very well. In fact, he protected me at one time when I had a difficult situation. And many of us feel very concerned about what happened to Mr. Vue Mai and the two gentlemen who went with him back to lead this repatriation program. And there seems to be some mystery about what happened to them, too. But we really do not know. I really do not know.

Mr. ACKERMAN. So your testimony should be corrected to say that you really do not know what happened to Vue Mai, rather than—

Dr. HAMILTON-MERRITT. I did not say that. I said according to the U.S. Committee for Refugees, he was arrested by Lao security forces, and I believe that would be in one of their newsletters.

Mr. ACKERMAN. Mr. Ruiz, could you straighten this out?

Mr. RUIZ. Actually, if someone could give me a copy of my written testimony.

Mr. ACKERMAN. Did you report that as fact or did you report that as—

Mr. RUIZ. If someone could give me a copy of my written testimony—I only have my oral statement—the article is in there.

Dr. HAMILTON-MERRITT. Now, all I have said was he was arrested, according to what the committee said. Let us see what the question is here.

Mr. RUIZ. I am sorry. I do not—in fact, I thought I attached that particular report to my testimony. I—

Dr. HAMILTON-MERRITT. Right here. This is it.

Mr. RUIZ. Yes. I said, "Vue Mai disappeared from Vientiane, the Laotian capital, on September 11. News of his disappearance did not begin circulating widely in the United States until mid-October. Informed sources report that the Laotian security forces, which had been tracking Vue Mai's movements for several months, arrested him. Reportedly, the Laotian authorities have told one of Vue Mai's relatives that he will be released soon." That was the information we received at that point in time, and I phrased it in that way for that reason.

Mr. ACKERMAN. So that was—that was speculative on your part and then re-attributed back to you. That gets confusing when it comes to us as second-hand testimony, that it clouds the issue more than need be. But let us—let us move on, if we may. Mr. Leach.

Mr. LEACH. Well, it is good to see Dawn again, and, of course, Jane, who has been with this committee for so many years.

I would like to just ask a question about one of the other mysteries of Southeast Asia—a little older one. As you know, this committee looked into for a several year period the allegations of yellow rain.

Dr. HAMILTON-MERRITT. Yes.

Mr. LEACH. Have you reached any conclusions in your own mind on that issue? And the reason I raise it is that the Hmong are a group that are not only unique in having support of the United States, they are unique in having had quite possibly Laotian authorities, with the support of former Soviet Government, in extermination efforts or incentives to, in effect, immigrate—and nothing like yellow rain, if it occurred, to give a family incentive to leave. And so that if it is a true story, relates to the attitudinal circumstance upon which one has to understand the sensitivities and feelings between the groups in this country called Laos. And so, I am wondering if you can bring us up to date on your feelings.

Dr. HAMILTON-MERRITT. Well, in "Tragic Mountains," Congressman Leach, in the last couple of chapters, I try to bring us up to date on the current situation about the understanding of whether chemical or biological weapons were used in Laos or not. And with

the opening of the archives in the former Soviet Union, and with the defectors, we are coming closer and closer to having an admission, certainly of their capability, of which you know so much about yourself, and of defectors coming forward talking about places that were experimenting in the use of them. And I think the body of evidence actually grows and confirms what we—you and I—were talking about in the 1970's and the 1980's.

Mr. LEACH. That is my impression. Let me just ask in this audience, are there any Hmong here? Are there any of you—are there any of you, if I can ask this question, that have any doubt that yellow rain was used? Do you believe yellow rain was used in South-east Asia?

AUDIENCE. Yes.

Mr. LEACH. Have any of you, yourselves, been subjected to yellow rain?

[Audience stands.]

Mr. LEACH. But you have no doubt from your families and friends of the usage of this chemical?

Dr. HAMILTON-MERRITT. Could we have a Hmong—could we have somebody step forward and say it in Hmong?

Mr. LEACH. Well, that is fine. I—let me just say, I do not mean to have you keep standing. Please be seated. And I think that this committee is honored to have so many Hmong here, and let me just say—

Dr. HAMILTON-MERRITT. Congressman Leach, why do we not get somebody to ask it in Hmong?

Mr. LEACH. Actually, that is not an inappropriate question. I will tell you why. Do you think it was not understood by some—

Dr. HAMILTON-MERRITT. Well, I am not sure, because there may be some here who do not—who do not speak English. The older gentleman, maybe; I am not sure.

Mr. LEACH. All right. Is there someone that would like to repeat—well, yes, young lady. The question I would like to ask, if you could repeat it in Hmong, is there—

VOICE. No, I have a question.

Dr. HAMILTON-MERRITT. She is a witness.

Mr. LEACH. Excuse me?

VOICE. I would like to ask a question.

Mr. ACKERMAN. I am afraid that is not appropriate.

Mr. LEACH. That was not the query. The query we would have is—if you could stay standing—could you ask in Hmong—do you speak Hmong? Could you ask the people who speak Hmong in Hmong if there is anyone here that witnessed the usage of yellow rain?

[Audience member asks question in Hmong.]

Mr. LEACH. These people witnessed it.

VOICE. These are the people. The people who raised their hands is the one who have witnessed the yellow rain themselves.

Mr. ACKERMAN. Of the people who raised their hand, do any of you speak English?

VOICE. A little bit.

Mr. ACKERMAN. Did you raise your hand about experiencing yellow rain?

VOICE. Yes.

Mr. LEACH. Could you come forward? Could you come forward and identify yourself with the others, the four that raised their hand? Please, everyone that raised their—

Mr. ACKERMAN. Sir, could you come over to the side of the table. Could you—

Mr. LEACH. And the others who raised their hand. Yes, that gentleman, please.

VOICE. He asked that I translate to him. But I would prefer that he talk himself.

Mr. ACKERMAN. I want those—I want the gentleman who speaks English to speak.

VOICE. OK.

Mr. ZONG VANG KONG. OK. The yellow rain—

Mr. ACKERMAN. OK. Could you please state your name.

Mr. ZONG VANG KONG. OK. May name is Zong Vang Kong. My age is 35 years old.

Mr. ACKERMAN. Could you raise your right hand?

[Witness sworn.]

Mr. ZONG VANG KONG. The yellow rain, what we got in 1979, 1978, that we got in Pubeer in Laos. During October, we got—we kill four people when they got that yellow rain and they are paralyzed. After a month ago, so they get paralyzed—and they get sick and paralyzed.

Mr. LEACH. Paralyzed.

Mr. ZONG VANG KONG. Yes. A few things that they get when they got yellow rain, and their skins kept getting bump and the face kept getting—some of the skins are like—kind of scratching, like that, and itching. Things like that come out. A few months later and that person would be—face, yellow coming through and things like that.

Mr. LEACH. Did the yellow rain come from airplanes?

Mr. ZONG VANG KONG. We do not know yet. Because past—during that time—

Mr. ACKERMAN. If I may, did you see it happen?

Mr. ZONG VANG KONG. Yes, I see it with my eyes.

Mr. ACKERMAN. Did you see it come from an airplane?

Mr. ZONG VANG KONG. No.

Mr. ACKERMAN. Where did it come from?

Mr. ZONG VANG KONG. During that time, we did not know exactly how the airplane come through, but we saw the yellow rain come after—we heard noise come from very high, kind of like an airplane, but we not sure. But after that, this yellow rain comes through and hurt the people in the jungle.

Mr. ACKERMAN. But you did not see the yellow rain fall?

Mr. ZONG VANG KONG. Pardon me?

Mr. ACKERMAN. Or did—did you see the yellow rain fall or did you see the people who got sick?

Mr. ZONG VANG KONG. No, I saw the yellow rain and also the people got sick.

Mr. ACKERMAN. You saw the rain coming down?

Mr. ZONG VANG KONG. Yes.

Mr. ACKERMAN. And—

Mr. ZONG VANG KONG. You know, when the yellow rain get to the leave, and the leave getting dry and make holes. All the—the point of the yellow rain touch it, it is drying.

Mr. ACKERMAN. Did we get the location?

Mr. LEACH. He said Pubeer.

Mr. ZONG VANG KONG. Pubeer. It is south Pubeer and the location is in the west—southwest in Pubeer.

Mr. LEACH. Let us see if we can get a brief description from the others. Will that be all right?

Mr. ACKERMAN. OK. Could the next person—do you speak English?

Mr. ZONG XAN VANG. Yes.

Mr. ACKERMAN. What is your name?

Mr. ZONG XAN VANG. My name is Zong Xan Vang and I also passed in this country, too.

Mr. ACKERMAN. I am sorry, you what?

Mr. ZONG XAN VANG. I am passed from the Hmong people in this country.

Mr. ACKERMAN. OK. Would you raise your right hand?

[Witness sworn.]

Mr. ZONG XAN VANG. In 1976, 1977 or 1978—like that—where I live in Kumwan, I did not see the plane drop the yellow rain, but I see the yellow rain in the vegetable or in the rivers, like that. But we do not know when they are pouring the yellow rain in. But we see—we saw that like the flower and the vegetable. We did not know. But we take the—we get the flower to eat and we get the poison from the vegetable. And also from the little pond where I am drinking, the water—where I am drinking all that water, we—the flower—the people get diarrhea from that yellow rain.

Mr. LEACH. Thank you.

Mr. ACKERMAN. The next gentleman. Your name, sir? I am sorry, what is—an interpreter?

Mr. NHA JANG XIONG [through interpreter]. My name Mr. Nha Jang Xiong. I live in Laos. I saw the airplane drop the yellow rain, drop on my clothes. They could change the color, yellow and green.

Mr. ACKERMAN. What year was this?

Mr. NHA JANG XIONG. 1985.

Mr. ACKERMAN. 1985.

Mr. NHA JANG XIONG. Yes.

Mr. ACKERMAN. And where did this take place?

Mr. NHA JANG XIONG. Close to Vientiane, they call the—they call Nam Ngum Bridge—Dam.

Mr. ACKERMAN. Did we understand—did the interpreter—did the recorder get that? Could you please tell us?

The INTERPRETER. Nam Ngum Reservoir.

Mr. ACKERMAN. Is that accurate?

Mr. NHA JANG XIONG. Yes.

Mr. ACKERMAN. And when did—when did you leave—when did you arrive in this country?

Mr. NHA JANG XIONG. I came to this country 1992.

Mr. ACKERMAN. In when?

The INTERPRETER. 1992.

Mr. ACKERMAN. 1992. And where were you between 1985 and 1992?

Mr. NHA JANG XIONG. I stayed the same place until 1989, then I came to Thailand.

Mr. LEACH. The next one.

Mr. ACKERMAN. OK. The next person. One more person.

Mr. ZONG NENG [through interpreter]. My name is Zong Neng. I will talk about my brother and father. I left the country in 1975. My brother, they say you go first; I will come back later. I came to Thailand. I wait for them until 19—

Mr. ACKERMAN. Yes. Could you just please tell us about the yellow rain.

Mr. ZONG NENG. I wait until 1979. I did not see my brother and my family join me. And I asked the people, they say, what your family was—got poisoning by the yellow rain. They all died.

Mr. ACKERMAN. But did you—

Mr. ZONG NENG. My family all die. So I was sad and then I come here because I cannot stay Thailand. If I stay in Thailand, they will kill me, too.

Mr. ACKERMAN. OK. Thank you. We appreciate it. We are going to have to go back to the regular part of the program, I am afraid.

Ma'am, what is your name?

Ms. NOU KONG. My name Nou Kong.

Mr. ACKERMAN. And did you see yellow rain?

Ms. NOU KONG [through interpreter]. Yes. I heard airplane, sow on the a—then after the sow gone, I saw those yellow thing all over the place, on the ground, the leaf.

Mr. ACKERMAN. Where was this?

Ms. NOU KONG. In Laos, in Bakoi—close to where we just talk about—in Nan Nung—close to my home.

Mr. ACKERMAN. Thank you.

Mr. LEACH. When was this?

Ms. NOU KONG. 1985, 1986.

Mr. LEACH. Did you see anyone injured?

Ms. NOU KONG. Yes, because we all—my husband also got that, because they sprayed the vegetable and we all got drowsy on those yellow sticky.

Mr. LEACH. Thank you.

Mr. ACKERMAN. OK. Thank you very much. Each of you, I hope would give your name and the spelling to the recorder afterwards. Thank you.

Mr. BA SAI YONG [through interpreter]. My name is Ba Sai Yong.

Mr. ACKERMAN. We cannot just keep going like this.

Mr. LEACH. This may be the last one. What do you think?

The INTERPRETER. This probably the last one.

Mr. ACKERMAN. Quickly, then.

Mr. BA SAI YONG [through interpreter]. I am former official. I saw by my eyes, that I see two airplane flew over and many of my relative also die by those yellow rain.

Mr. LEACH. Can you explain when and where?

Mr. BA SAI YONG. In Ban Na Mou.

Mr. LEACH. When?

Mr. BA SAI YONG. 1976 and 1977.

Mr. LEACH. And what relatives were killed?

Mr. BA SAI YONG. Two of my children, and two of my brother, and their wives and children. Also many—altogether about 40 people die in that time.

Mr. LEACH. If I could just ask a rather extraordinary question, Mr. Chairman. I do not mean to take up the time of the committee, and I know this was not the intent of the committee. We have had a scientific debate in the United States of America where a serious American scientist has suggested that bees dropped yellow rain and it is nothing more than bee poop. Is there anybody here from Laos that believe that bee poop caused this terrible death?

Mr. ACKERMAN. The gentleman who raised his hand in the back. You subscribe to that theory, sir?

Mr. LEACH. No, no. He shook his head no. Yes,—one, two three—there are three—four people who—five, six, seven, eight, nine—there are nine people who believed it was caused by bee poop.

Dr. HAMILTON-MERRITT. No, that is the other way around.

Mr. LEACH. It is the other way around. They are saying they do not believe it.

Mr. ACKERMAN. I think—if I could resume control. Thank you. I think we are going a bit far afield, and perhaps—

Mr. LEACH. All right. Mr. Chairman—

Mr. ACKERMAN [continuing]. Perhaps we should do this in—

Mr. LEACH. OK. Only at the risk of—

Mr. ACKERMAN [continuing]. In a setting where we have appropriate interpretation, where we have witnesses who are pre-identified, who understand what the questions are, so that we might better understand the answers. We have gotten answers that I believe are caused by misunderstandings and language difficulty. And I would suggest that—with all due respect, that we set this whole section aside and perhaps look into it at a more appropriate time.

Mr. LEACH. Mr. Chairman, if I could just add, just so that there is a basis of understanding. The last question was misunderstood, and I do not want it on the record that nine people indicated dissent.

But secondly, I would like to just say with the greatest degree of profoundness—because this is an issue that this committee has looked at for over a decade and a half—that a gentleman, the last witness, described watching two sons and two brothers killed, and that that has a profound significance, and that we must accept the word of decent people when they say certain things have happened. And that what has been perpetrated in the American people as one of the greatest scientific frauds in the history of the United States in testimony before this Congress—and by that, I mean a prior scientist that appeared before this committee. And I just want that laid on the record because I personally think that this is something that—whether we look into it at another hearing, whether we advance it, it has direct relevance on the plight of these innocent people and how the world community should look upon them.

And so, I appreciate your willingness to divert slightly and I honor, very much, what these witnesses have said, and I have no doubt about their story. Thank you, Mr. Chairman.

Mr. ACKERMAN. I think we are all pained and troubled and more than sympathetic to hear the plight of members of people's family

who are, indeed, decent people telling us what they believe to be true. And we certainly have no reason to believe otherwise.

But I think that there is some degree of confusion as to what the questions are and what the questions really mean. And I do not know that I am in a position to pick and choose which questions were understood and which questions were not understood. And I think that that having been the case, we shall set this aside and discuss the possibility of having a hearing on this issue if we might, and set that up in a more structured fashion.

The Chair has given a lot of latitude on this issue today because so many have come so far with such suffering in their background. And you have the sympathy and understanding of the members of the committee. That having been said, we will return to our panel. Briefly, we do not have too much time available and we have one more panel yet to go. Mr. Vento.

Mr. VENTO. Mr. Chairman, I will not get into any type of excrement, even though I probably have a lot more entomology than Mr. Leach has.

Mr. LEACH. If the gentleman will yield.

Let me stress as strongly as I can that not only does my distinguished colleague from Minnesota have a background in science, but he is probably the leader of Congress in this Hmong issue. And what he and his community have done with relation to the Hmong are deeply respected by this whole body, particularly——

Mr. VENTO. Well, the gentleman——

Mr. LEACH [continuing]. This member.

Mr. VENTO. The gentleman is very kind, and I have done no more than anyone or any member would have done with the community which I have in St. Paul.

I did notice in looking at your testimony on repatriation, Ms. Calabia, you had pointed out there an example of forced repatriation, which is an issue here. I appreciate you providing us the full range of issues that need to be investigated. But your statement did seem to indicate that the Thai Government used physical force or threatened people to get them to return to Laos.

Ms. CALABIA. Number five on 7(a), Mr. Congressman?

Mr. VENTO. Yes, that is the one on the investigation of allegations of repatriates in Laos. So I mean, that does indicate that there is——

Ms. CALABIA. This is the incident that happened in April of 1992.

Mr. VENTO. Yes, that is right.

Ms. CALABIA. That is right. And our staff on site wrote that incident up. And we did make representations to the Royal Thai Government about it, and we reminded the Royal Thai Government that the agreement is that it is supposed to be voluntary return. And they said, "voluntary return"——

Mr. VENTO. I guess we get very concerned about it when we see that this sort of coercion takes place but I am not surprised. Obviously the language barriers and other things do cause problems. And then when we look through the numbers, they do not seem to——

Ms. CALABIA. I would point out that 19,000 people have gone back to Laos. Now these cases only deal with the period since 1990. And it is regrettable that this incident occurred, and we did repor

it. We—and I think that what you are getting at, obviously, is that we all have to be vigilant in these situations——

Mr. VENTO. Well——

Ms. CALABIA [continuing]. To protect the rights of the individuals, and I think we have attempted to do that.

Mr. VENTO. I do not doubt your good faith in terms of an effort to do it. I am just suggesting that the purpose or one of the purposes of the hearing was to determine whether or not these incidents do occur, and they do occur. The issue that Mr. Foglietta raised was that a lot of Lowland Lao have returned, and I do not think anyone has countermanded that. They are less of a problem, apparently, than the Highland Hmong, who were active in the CIA. Do you agree with that?

Ms. CALABIA. They are different case loads, that is correct. But we have and we do follow-up on all the repatriated.

Mr. VENTO. Then we have different political and other problems—ethnic problems and so forth—is that correct?

Ms. CALABIA. I think that has been the history of the region.

Mr. VENTO. I suppose, I do not know, but I am asking you: Is it logical to assume that those that have been most reluctant to return and have waited all this time, because they have this anxiety not wanting to go to the United States, not wanting to go back to Laos, that they may have more severe problems in terms of returning?

Ms. CALABIA. I think your supposition is one that obviously deserves serious consideration. I might—I would say that one of our concerns is that there is a screening process——

Mr. VENTO. Right.

Ms. CALABIA [continuing]. And that there is an appeal process that is possible; that 2,000 of the Hmong went into that appeal process and half of them were granted as a result.

Mr. VENTO. Well, I do not think it is a question of being——

Ms. CALABIA. So if the person was screened-out, it was for some reason. Mr. Vento, I do not know exactly why.

Mr. VENTO. Sure, I understand that. But it is not even being screened-out or screened-in. I think there is a problem with the numbers that we have—7 and 7 is 14 where I come from, and if we have 25,000 people—or whatever the numbers are something has to happen to them. Obviously, my concern is about 1995; and the people I represent, they are concerned about 1995.

Ms. CALABIA. Well, we are concerned as well, and we very much want this to be understood that what we are working for is a voluntary repatriation program and to make it possible for people to go back in safety and dignity. We are committed to trying to do that. And we appreciate the interest of the committee and the efforts of the U.S. Government and other governments to see that that happens, or that other solutions are found for those situations.

But I think it is up to governments. I think we have to work as much as we can together to come up with satisfactory solutions.

Mr. VENTO. Well, Mr. Chairman, I appreciate the efforts of the witnesses, especially those that have long worked, like Dr. Jane Hamilton-Merritt, on these topics. And I will not take any more time to question the witnesses.

There are questions about the location of these settlement areas. Do you and other groups actually agree with the locations of some of the settlement areas? I mean, is there an approval process. That really is at the discretion of the Government of Laos, is it not?

Ms. CALABIA. The settlement areas are a result of a survey that was conducted, sites were recommended. When we have numbers signing up to go back, there is a discussion in the camp about what sites are available and where people would like to go back to. I would point out that the repatriation that is to go on this week involves the return of some 400 persons to Vien Viang. We had over 1,000 people sign up for that site and we think it can accommodate only 800 persons. It is in Vientiane.

Mr. VENTO. You have a lot of secondary migration that occurs, then, from these sites once people go back?

Ms. CALABIA. We—in fact, we went to the group resettlement on the grounds that many of the individuals who went back had great difficulty, and we thought a group resettlement approach made much more sense and that there would be more resources put at the disposal of the individuals. And obviously, as much land as possible, because many of the Hmong go back to farming. And so, you do need a certain amount of land for large stock and cropping.

Mr. VENTO. Mr. Chairman, this represents a special problem in terms of this activity because, obviously, the economy sometimes does not sustain those types of activities which went on before. Of course, we even talked about some of the things they grew, which were illegal to grow.

Ms. CALABIA. Someone earlier had suggested that, you know, the assistance packages for repatriates are an important component in any kind of a sustainable repatriation and reintegration program. The Lao returnees are assisted with food rations for up to 18 months, and that is something that obviously the committee feels we can continue to look at.

Mr. VENTO. Mr. Chairman, thank you very much. Thank the witnesses on the panel.

Mr. ACKERMAN. Thank you very much.

Ms. Woodberry, a question for you, if I may. First, let me express my and our sympathy for your personal loss. We are deeply sorry and we understand how strongly you must feel on this issue to be with us, nonetheless, today. From your perspective on the ground in Laos, are you aware of any act or substantiated report of any act of persecution by the Lao Government against returning Hmong?

Ms. WOODBERRY. No.

Mr. ACKERMAN. None at all?

Ms. WOODBERRY. No. None at all. Just to clarify a point that was made earlier, a question came up about whether or not international organizations and the NGO staff have to spend the night in Vientiane. The fact of the matter is you cannot put an office outside of Vientiane, but you can spend as much time outside Vientiane as you want. So our staff generally spends about 3 weeks out of every month in Luang Prabang or Sayaboury, where the resettlement sites are where we work. We get regular reports from them.

And although we are not a human rights monitoring group—that is certainly not specifically our function—we have heard of no alle

gations of problems with the difficulties between the Lao Government and the Hmong repatriates. We also have not heard of any allegations of such problems from the other organizations who work with repatriates.

Mr. ACKERMAN. Thank you. Ms. Calabia, is it your understanding that most of the Lao returning to Laos over the past 2 years have been eligible for resettlement in the United States and elsewhere?

Ms. CALABIA. Mr. Chairman, that is my understanding. I will be happy to inquire on that to make sure we have the right figures for you.

Mr. ACKERMAN. Thank you.

Ms. CALABIA. But certainly, the people sitting in Ban Napho, the majority before 1991, were certainly eligible for resettlement.

Mr. ACKERMAN. And Mr. Ruiz, in your testimony, you noted that some 7,600 Highland Lao, mostly Hmong, had repatriated to Laos between 1980 and 1993. Would you say that these did so voluntarily?

Mr. Ruiz. Well, as we have noted, we believe that there is definitely pressure on people to repatriate. We cannot—we have not had first-hand experience of horrors or not use of horrors. All we can say is that we know that there is a strong degree of pressure used, at this point in time, on people to repatriate.

Mr. ACKERMAN. And Dr. Hamilton-Merritt, some groups in the United States have alleged, as I had noted in my own statement, that other Hmong groups are using the plight of Hmong refugees in Thailand to intimidate and prevent Hmong groups from sharing their own perspectives on repatriation and resettlement. To quote Mr. Obey from last week's hearing, some of these groups are—and this is the direct quote—"using this issue to try to raise significant amounts of money for their own purposes, and that their methods of fundraising are not always benign," stated Mr. Obey. To your knowledge, has the Lao Human Rights Council ever operated in this fashion?

Dr. HAMILTON-MERRITT. To raise money? Say it again. To what? To raise money?

Mr. ACKERMAN. That they are using this issue to raise—

Dr. HAMILTON-MERRITT. For using issue?

Mr. ACKERMAN. Yes, "using the issue to raise significant amounts of money for their own purposes, and that their methods of fundraising are not always benign."

Dr. HAMILTON-MERRITT. Well, there are three questions. The Lao Human Rights Council and the men and women who work on it, many of them are in this room today—work on human rights issues. You actually could ask them. From my experience—because I have been to a number of conferences that they have held. Over the years, they work on human rights issues. There is one coming up this weekend, as I just mentioned, where a 1,000 Hmong will be in attendance. And there was one in 1991, January, where thousands of Hmong were in attendance in St. Paul. And it was an effort to talk about the problems of the Hmong community, which you just heard about today.

There are many Hmong who have lost family members to torture, killing, imprisonment, as well as to chemical biological toxin warfares. And in fact, they had even kept records of the——

Mr. ACKERMAN. That is not the question, I am afraid.

Dr. HAMILTON-MERRITT. Well, say the question again then.

Mr. ACKERMAN. Are people within the Lao Human Rights Council——

Dr. HAMILTON-MERRITT. Yes.

Mr. ACKERMAN [continuing]. "Using methods not benign," to quote Mr. Obey?

Dr. HAMILTON-MERRITT. To collect their data, no. I see the——

Mr. ACKERMAN. In order to raise money.

Dr. HAMILTON-MERRITT. Well, I do not know if they raise any kind of money. I do not know anything about raising money. Of course, when I go to the conferences, they are there to talk about human rights and they raise money to put on the conference, obviously. I think the funding of the one that is coming up in Green Bay came out of their pockets.

I think there are a lot of people here from the Lao Human Rights Council. I think they were trying to get a grant for the one they are having this weekend. Maybe they got a grant, or maybe they had to do some fundraising activities.

Mr. ACKERMAN. We are talking about fundraising from the Hmong community.

Dr. HAMILTON-MERRITT. That is what I am talking about, too. Fundraising for this conference coming up this weekend. They worked for a long time to try to get foundation money to support the human rights conference this weekend. And I——

Mr. ACKERMAN. I think you do not understand the question.

Dr. HAMILTON-MERRITT. No, I guess I do not.

Mr. ACKERMAN. Let me not quote Mr. Obey and let me use my own words. Is anybody strong arming anybody to put up money——

Dr. HAMILTON-MERRITT. For the Lao Human Rights Council?

Mr. ACKERMAN [continuing]. That they might ordinarily not want to put up themselves?

Dr. HAMILTON-MERRITT. I have no knowledge that anybody from the Lao Human Rights Council is demanding money from anybody.

Mr. ACKERMAN. Thank you. Let me thank this panel. You have been most helpful.

Our fifth and final panel will consist of Mr. Vang Pobzeb, Chairman of the Lao Human Rights Council; Mr. Soua X. Her, Representative of Democratic Chao Fa Party; and Ms. Dia Cha, Hmong National Development Incorporated and Refugees International. I thank the panel for being with us and I thank you for your patience with us today. The hour is indeed late. And let us get right to work with Mr. Vang Pobzeb, and you may begin with your testimony, sir.

STATEMENT OF VANG POBZEB, CHAIRMAN, LAO HUMAN RIGHTS COUNCIL

Mr. POBZEB. Thank you, Mr. Chairman, members of this subcommittee. My name is Vang Pobzeb. I am the Chairman of the Lao Human Rights Council in the United States.

It is an honor to have the opportunity to tell you the truth about forced repatriation of Hmong refugees from Thailand to Laos and human rights violations in Laos. The truth about the Lao/Hmong refugee crisis is that the policy of voluntary repatriation and screening out has been reversed to forced repatriation. The screening procedure is unfair and corrupting.

Mr. Chairman and the subcommittee, the legacy of the Vietnam war is the reason the Hmong people, the Lao people, flee Laos. After the Vietnam war until today, more than 300,000 people have been killed in Laos. Of this figure, about 46,000 people are former soldiers or ranking officials under the Lao Government before 1975.

Human rights violations in Laos are the factors for the people to flee the country. The State Department has been saying there is peace, there is human rights, there is freedom. They convinced the Hmong people from Thailand and the Lao people from Thailand to return to Laos.

Mr. Chairman, please permit me to read some quotations from a State Department report in 1994. The State Department report in 1994 says, "The Lao People's Democratic Republic is a Communist, one-party state. The Lao People's Revolutionary Party is the primary source of political authority in the country. The party's leadership impose broad controls on Laos' 4.5 million people." This is true. There is no freedom and there is no human rights in Laos because the Communist Party government not only controls the freedom of the returnees, but it uses their control to the 4.5 million people already in Laos.

The State Department also says, "there are no domestic human rights groups. Any organization wishing to investigate and publicly criticize the government's human rights policies would face serious obstacles . . . Laos generally does not cooperate with international human rights organizations."

Some officials of the UNHCR and Thai Government in Na Pho camp announced and posted the names and signatures of nonvolunteer refugees for voluntary repatriation without their approval and signatures.

On April 27, 1993, officials of the Thai Government and UNHCR forced Mr. Vang Thai Xiong and 400 other nonvolunteer refugees to return to Laos from the Na Pho Camp, Thailand.

On April 28, 1993, officials of the Thai Government and UNHCR officials imprisoned Mr. Moua Nhia Lue in the Na Pho camp because he opposed the forced repatriation of 400 nonvoluntary refugees to return to Laos.

On May 4, 1993, government officials forced Mr. Moua Nhia Lue to return to Laos from the jail in the Na Pho camp.

On December 21, 1993, Ms. Mee Yang was forced from Na Pho camp to Laos. She never wrote her name to return to Laos.

Two women in the front row here, why they are here? Because they forced their family to go to Laos on December 21, 1993. So they are coming from Congressman Roth's district, Green Bay, Wisconsin, because they are not happy about the screening process for repatriation.

Mr. Moua Nhia Lue and Pa Salor are legal, screened-in refugees. They served in the armed forces in Laos before 1975. They are being forced back to Laos.

Mr. Xay Chou Her is a legal refugee and is screened-in. He was a former soldier and employee for the U.S. Agency for International Development in Laos. Now, he is faced with forced repatriation to return to Laos in the near future.

On February 27, 1994, the UNHCR and Thai officials forced Mr. Walor Xiong out of the Na Pho camp prison and returned him to Laos.

Mr. Yang Vang Kong, who is here from Green Bay in Mr. Roth's district, is here because they forced his family members from Thailand to Laos on February 27, 1994.

Mr. Yong Vang Lo is a legal refugee. His picture appeared in the *Philadelphia Inquirer* on February 27, 1994. He said that he is not ready to go to Laos because there is no peace, no democracy, no human rights in Laos.

Mr. Chairman, there are about 4,500 cases of forced repatriation from 1991 to 1994 similar to the above cases. Mr. Chairman, here are some 56,000 signatures and fingerprints of Hmong people in Thailand who are begging for your support, for your help, for your consideration because they do not want to go to Laos, no matter what the State Department or the United Nations High Commissioner have talked about. I have received these thousands, thousands of documents here. There are 56,000 signatures and fingerprints here of people who say they do not want to go to Laos. I believe these refugees have told the truth.

Therefore, I support the request of the refugees. I would like please to provide this information to you for your support and assistance, because the Hmong are not ready to go to Laos because they believe there is no safety, there is no peace. The 56,000 signatures also tell me to inform you and the U.S. Government that the refugees in Thailand oppose forced repatriation, unfair screening procedures and the use of food as a political weapon to punish the refugees to register for voluntary repatriation.

The refugees are also concerned that the policy of voluntary repatriation has been reversed to forced repatriation.

The refugees all told me this. They are concerned that the disappearance of Vue Mai on September 11, 1993 is evidence that there is no safety for the Lao/Hmong refugees to return to Laos. Indeed, there are many other cases like the case of Vue Mai.

Let me make some recommendations. The refugees asked me to send the U.S. Government our recommendations and for support like the following: (1) immediate moratorium of all Hmong repatriation to Laos; (2) peace in Laos like in Cambodia; (3) peace, democracy, human rights and safety in Laos; (4) send an independent professionally trained human rights lawyer on a fact-finding mission to the camps in Thailand; (5) form an international human rights commission to monitor and to guarantee human rights, peace, safety and freedom for returnees in Laos before the repatriation of refugees from Thailand to Laos continues. The members of the international commission must include the Hmong people from Thailand and from the United States.

Number six, the Lao/Hmong refugees in Thailand and the returnees need international protection. I support the refugees who request human rights, freedom of movement and freedom of residence according to the Universal Declaration of Human Rights. The

U.S. Government and the United Nations must allocate a budget and get land for the refugees to stay in Thailand until there is safety for them to return to Laos.

Number seven, stop the funding for repatriation—stop funding for repatriation of refugees from Thailand to Laos. Number eight, provide humanitarian assistance to the Lao/Hmong refugees in Thailand.

Conclusion: The legacies of the Vietnam war are the factors for the creation of the Laotian refugees crisis. The North Vietnamese troops in Laos are the troublemakers who have violated the human rights of the Laotian people. Therefore, in order to find alternative solutions to the creation of the refugee crisis and human rights violations in Laos, the U.S. Government and the United Nations must pressure the North Vietnamese troops to get out of Laos completely and unconditionally before any more repatriation of refugees from Thailand to Laos. This is because the North Vietnamese soldiers say the Hmong people, the refugees, are their enemies and they have plans to kill the Hmong because the Hmong are a minority people. The Hmong people are the victims of genocide, and persecution and human rights violations which the Communist Pathet Lao Government has imposed against the minority people in Laos.

We need your humanitarian support and concern. The refugees are begging for your support now. Please stop forced repatriation of refugees from Thailand to Laos.

Thank you so much, Mr. Chairman. I request that my written statement be included into the public document.

Mr. ACKERMAN. Your testimony has been—your book has been reviewed by the committee and it is—

Mr. POBZEB. Thank you.

Mr. ACKERMAN. Forgive me.

Mr. ACKERMAN. The summary of your statement will be placed in the record. Your documents that you have prepared exceed the limit that we, by committee rules, put in the record. So without objection, we will put in your summary.

Mr. POBZEB. Thank you.

[The prepared statement of Mr. Pobzeb appears in the appendix.]

Mr. ACKERMAN. Again, I have neglected to swear the witnesses. Would you all please stand?

[Witnesses sworn.]

Mr. ACKERMAN. Ms. Dia Cha.

STATEMENT OF DIA CHA, HMONG NATIONAL DEVELOPMENT, INC. AND REFUGEES INTERNATIONAL

Ms. CHA. Thank you, Mr. Chairman and the respected Members of the House of Representatives for inviting me to testify on behalf of the Hmong National Development and Refugees International.

I would like to begin by telling you briefly about myself. I am Hmong and came from Laos. During the Indochina War in Laos, my father was a soldier for the United States "secret army" in Laos. And in 1972, he was missing in action. And since then, we have no idea whether he is still alive or he is already dead. Until today, my family still does not know.

In 1992, I was the principal investigator for a project called The Needs Assessment of Lao and Hmong Refugee Women Project in

Thailand, whose purpose is to assess the needs, concerns and protection issues of refugee women in the refugee camps in Laos.

The UNHCR and the U.S. officials often stated that the 40,000 Hmong in the refugee camps have been given opportunity to resettle in this country, but many of them just do not want to come. But this is not a true statement. There are a lot of people—refugees in the camp who do not have this opportunity. For example, the screened-out refugees do not have it, and many female heads of households whose husbands have died during the war or who do not have immediate family—relatives in this country, they do not have the resettlement opportunity to come here.

There are Hmong and non-Hmong people in the United States claiming that all the Hmong—they say that the Hmong refugees, meaning all—do not want to repatriate to Laos. But according to my interviews, there are Hmong in the refugee camps who sincerely and honestly want to return to Laos, and many of them have already left. What they want from us—the Hmong in the United States, the U.S. Government and the UNHCR—is not to stop them from going, but to advocate on their behalf for security protection and economic development in Laos.

The issue of repatriation remains highly sensitive in the refugee camps. Camp authorities assure Hmong refugees that they have nothing to fear, to repatriate to Laos. The Hmong refugees insist that their fears are real, pointing to their past histories experience in Laos, and also stories that are coming out of Laos.

Following, I will highlight some key point findings from my interviews in the refugee camps:

Hmong women are not represented in camp bodies administration and they have very few opportunities to express their desires and concerns regarding resettlement or repatriation.

Women want gender-sensitive female counselors who can help them make appeals or inquiries, and provide them with information regarding resettlement and repatriation.

When deciding about their futures, Hmong women show concern about families' welfare, whereas Hmong men place high priority on cultural preservation and political power.

Repatriating Hmong women, fearing for the security of their men, do not want to get caught between conflicting sides, such as the fighting between the Lao Government and the resistant group.

Incidents, attempts and threats of suicide among Hmong women in Napho camp is too frequent and often stem from frustrations about a husband's decision to repatriate or resettlement.

Women claim to have limited information about their options and status, and about realities in Laos, as authorities mainly deal with men who do not readily share the information to women.

Widows, divorced women from polygynous marriages are particularly vulnerable to having their traditional family support system and protection broken apart by either resettlement or repatriation processes.

Men worry about their personal safety more than women. Hmong men worry. They fear about arbitrary arrests by the Lao Government and backlashes from resistance groups in Laos.

There is so much misinformation and misinterpretation going on in the refugee camps. But it is extremely difficult for Hmong—illiterate Hmong people to separate what is fact and what is rumor.

In July 1992, I interviewed six Hmong families who are repatriate to Laos in Vientiane province. And all these family live within a 2-hour drive from the capital city of Vientiane. I summarized here some key points that they made: they all have integrated into the local village with no persecution; no one from the UNHCR or the Ministry of Social Welfare had come to their home or village to ask about them; no one knew where to go if they had repatriation problems; families that have both parents have less hardship in terms of economic adjustment; widows and divorced Hmong women who have returned unaccompanied by other adult males have more adjustment problems than the widows who live in large families.

The Hmong refugees in Thailand today are no longer a homogeneous group that shares the same views and the same desires about their futures. The men and older generations who highly value traditions and political power want to repatriate to Laos when the conditions have improved. The Hmong women and younger generations who aspire for a modern lifestyle wanted to resettle in the U.S. Hmong women in the camps have no part in decision-making about resettlement or repatriation.

In 1993—in 1993, there were two families, the two Hmong leaders from Xiang Khouang refugee camps who volunteered to repatriate to Laos, and their wives did not even know until 2 days before they depart. And that is how decisions are made and that is how secret it is.

Constant misinformation and rumors circulated in the camps play a major part in the indecision of Hmong refugees whether to resettle or repatriate. Policymakers cannot view the Hmong population in the refugee camps or in the United States as a singular, equal, and homogenized group called “the Hmong People” and call only for one leader. They cannot just continue to call only one leader to speak on behalf of the Hmong. They must learn to distinguish the differences among the Hmong, such as class, age, gender, political affiliation, and rank. Policymakers must look critically at how and by whom groups are represented and advocate for multiple voices from the different segments of Hmong community. In the case of the Hmong refugee women in the camps, this advocacy might have meant administrative negotiation for informal arenas of dialogue, separate representative forums for women, or designated slots for women in camp administration.

And I do have a question for you, Mr. Chairman. My question is: why—what is the reason for disallowing and disapproving mothers, wives and children of Hmong men who formally worked for the U.S. “secret army” to resettle in the United States?

If I am allowed to continue, I would like to give some recommendations.

Mr. ACKERMAN. Yes, we will give you one more moment.

Ms. CHA. OK. As I have stated earlier, Hmong population in the refugee camps are found to be internally diverse, hierarchical and divided. The different genders and class preferences or desires are

not—desires for relocation are not acted on, their wants are not met, and their behaviors are not understood by camp officials.

To achieve a fair treatment and equal representation for all the Hmong people, I suggest that the United States needs to press the UNHCR to reexamine and monitor carefully all the cases of vulnerable women in the camps and all the cases who have already repatriated to Laos. The review should include not only those widowed, divorced, and abandoned women, but also women who are in polygynous relationship.

The mothers and widows of Hmong men who formerly worked for the U.S. "secret army" are entitled to resettle on their sons or husband's status. These women have received no compensation for the lost of their men. The United States can never bring these women's loved ones back to life, but America can give them a home and a chance to start a new life.

There is so much misinformation, rumors, and misinterpretation on repatriation and resettlement options in the refugee camps that make Hmong refugees become indecision. This could be clarified by sending a U.S. delegation who is knowledgeable about the reality of life in the United States and in Laos to communicate directly with the Hmong refugees in the camps.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Cha follows]

Mr. ACKERMAN. Thank you very much. Mr. Her.

STATEMENT OF SOUA X. HER, DEMOCRATIC CHAO FA PARTY

Mr. HER. Thank you. Mr. Chairman and members of the committee, thank you for inviting me to testify on behalf of the Democratic Chao Fa party of Laos. My name is Soua Her. I am the point of contact person for the Chao Fa.

First of all, let me share to you briefly about why and how Democratic Chao Fa Party established.

In 1959, the Hmong Chao Fa was first found between Laos and the Vietnamese border for the purpose to develop and teach our own writing and reading alphabets to the local communities. Chao Fa also taught how to worship their beliefs. After that, it became known to the Pathet Lao Communists that such alphabets would be vital to the Hmong. The Communist accused the Hmong that such practice should be—must be tied to the American secret agent. Therefore, the Pathet Lao Communists sent troops to destroy.

In 1960, the Chao Fa fled to the territory controlled by the Royal Lao Government. However, Hmong Chao Fa continued teaching alphabets and preaching their beliefs. The Royal Lao army accused that they were spy for the Pathet Lao Communist. This accusation led to the assassination the founder of Chao Fa alphabets and the bombing to the Chao Fa village.

After the Communist Pathet Lao proclaimed the victory over Laos in 1975, they used massive forces to attack Chao Fa in many places inside Laos. Evidence available as stated below:

One, the Pathet Lao Communist went to the Hmong villages and captured both Hmong leaders and former military officers to be sent to re-education camp. Few were finally returned to their families after many years, while most others were missing forever.

Second, in May 9, 1975, the Pathet Lao Communist publicly announced that their long-standing genocidal policy against the Hmong.

Third, In May 29, 1975, a group of approximately 40,000 Hmong marched peacefully from Banskone to the capital of Laos to demand protection from Prince Souvannaphouma, the Prime Minister of Laos. As the group approaching to Hin Heup bridge, the Pathet Lao Communist intentionally opened fire to the innocent people. Killed over 1,000 civilians. The Prime Minister was interviewed by the French diplomats in Vientiane and he said "Peace will come when the Hmong are gone."

Fourth, the Pathet Lao constantly sent troops to fight against the civilian, burned their villages, destroyed crops, killed live stocks; raped, tortured, and killed Hmong women. The Lao People's Democratic Republic also wanted all Hmong to be killed or perish by starvation or sickness.

For the above reason, Chao Fa felt that the Lao leaders, both in the past and present, intentionally destroyed the Hmong culture, religion, language, written alphabet, and places of worship. These actions are very animosity and threatened to the Hmong. Therefore, it is time for the Chao Fa to expand their role to protect and preserve Hmong cultural and traditional heritage. For that purpose, the Democratic Chao Fa Party was established in 1975 under the leadership of President Pa Kao Her.

During the last 18 years, Democratic Chao Fa Party have fiercely defended themselves from the Communist army. The Hmong have suffered tremendous casualties, especially by chemical warfare, believed to be known as yellow rain and land mines. Chao Fa has been self-supporting party since 1975 and will continue to do so until a workable solution be in place to assure that all ethnic groups achieve freedom, democracy, equal rights and equal representation.

We, Democratic Chao Fa Party, support the free choice about refugees repatriation. However, we request that those Hmong refugees in Thailand who have served in the Chao Fa militant since 1975 to the present time should be qualified for third country resettlement. I want to note that those refugees are not economic refugees.

Refugees repatriation problem may be a simple solution if the Lao People's Democratic Republic Government is willing to discuss their matter with the Chao Fa Party. Remember, Hmong Chao Fa has been struggle with the Communist regime for last 18 years without any formal communications from the Lao Government. For this reason, dialogue needs to be established before repatriation program is fully implemented. Returnees will feel insecure and unproduced upon returning to Laos.

At this critical time, the United States should play a significant role in encouraging a peaceful political settlement, national reconciliation and reconstruction in Laos, as the followings steps: first, Lao Communist Government must stop practice genocidal against the Hmong immediately; second, a special envoy to establish dialogue and full range of diplomacy concerning various issues with representatives of Chao Fa party and the Lao PDR leaders in Laos; third, U.S. congressional team should travel to the borders of Laos,

Thailand and Vietnam to investigate the situation and tension between Chao Fa and the Lao PDR army, and make comprehensive report on the situation; fourth, encourage the nongovernmental organizations in Laos enter into Chao Fa territory and provide humanitarian aid as to the Lao PDR; fifth, ban all overt and covert lethal military aid to Laos.

In conclusion, I beseech that the United States and the free world countries to understand the Chao Fa cause. We fight for freedom, democracy, and equal rights, equal representation for all the people in Laos. I ask for your support to abolish dictatorship and establish a free democratic government in Laos as soon as you can.

Thank you very much, for the opportunity, and God bless you, God bless America and God bless the Chao Fa.

[The prepared statement of Mr. Her appears in the appendix.]

Mr. ACKERMAN. Thank you very much. Mr. Vento, you had a question, I believe.

Mr. VENTO. Mr. Chairman, just a request. I was trying to go through the—I think it is probably something that you can take under consideration in the first witness, Mr. Vang Pobzeb's testimony, he indicates a number of refugees that did not want to return. I think it was his number four, although the pages in this booklet are difficult to follow because they are not in sequence. In any case, is it possible that the various organizations, the State Department and others that have information can try to gather some information on those incidents that he is reporting in the section, "The Lao/Hmong refugees do not want to return to Laos." Obviously, some of these people have gone back. I think it would be worthwhile.

Mr. ACKERMAN. Good idea. We will request—

Mr. VENTO. I think you saved really some of the most outstanding testimony until last. Obviously, everyone on this panel did a good job, but it is obvious to me, and I am sure to you, that Dia Cha, your testimony is outstanding. I think it is the best, Mr. Chairman, in terms of talking about the problems we do not all think about in terms of the culture and women and the issues that are affecting these women that basically did, in many cases, the same things as the men did in terms of serving the United States.

I think it is very good. But I notice she points out 5 years of support where we provide 18 months. She also talks about the problems of really being successful in terms of being resettled when a woman whose husband died or left her or divorced her because you cannot have a polygamous marriage here or for whatever reason, gets left in the camp and has to go back to Laos. To me, that sort of situation is intolerable, I mean to treat someone in that way. They are not problems I thought of previously, but I think that is the sort of thing that I think could—should get our attention and support.

Mr. ACKERMAN. I appreciate that commentary. The point is well made. Ms. Cha raises some very relevant points and states them very well, as does the rest of the panel.

Several questions. First from Ms. Cha.

Ms. CHA. Yes.

Mr. ACKERMAN. You note in your testimony that there is considerable misinformation and misinterpretation going on in the

camps. Is any group, governmental or private, willfully passing on misinformation?

Ms. CHA. You mean the information, where this has started?

Mr. ACKERMAN. No. Is there anybody that deliberately spreads misinformation?

Ms. CHA. I do not know the source.

Mr. ACKERMAN. You do not know the source. But there is misinformation being deliberately spread; is that—

Ms. CHA. Yes.

Mr. ACKERMAN. I do not mean to put words in your mouth, but is there misinformation being spread deliberately?

Ms. CHA. No, not that I know of. I know that some times things happen in the camps, and then when you hear from the refugee, it is totally a different story. And then the misinformation that I am referring to is sort of like rumors in the United States, there is a big giant that eats people. And so—

Mr. ACKERMAN. Giants that eat people?

Ms. CHA. Yes. Big giant that eat people.

Mr. ACKERMAN. Some of us only look that way.

Ms. CHA. And this is one of the reason that they so scared to come to this country, and because—and they say—what happen is they say their relatives in this country who—with—have sent letter, send it to them. But this is what is going on in this country and this is why they do not want to come, even the one who qualifies to come.

Mr. ACKERMAN. You are saying relatives in the states send letters?

Ms. CHA. Yes, and send letters—

Mr. ACKERMAN. That there are giants that eat people?

Ms. CHA. Ah ah.

Mr. ACKERMAN. Why would relatives try to discourage people from coming to the United States?

Ms. CHA. It is because—it is a rumor because when I asked them who is your relative, can I listen to the cassette or read the letter. And then they say, it is not the relatives, it is the other letter—relative. And then they go take me to that person. That person say it is the other person, and this go on and on and on. I can never find it.

Mr. ACKERMAN. What would be the motivation—what would be the reason for people not wanting their relatives to come to the United States?

Ms. CHA. I have no idea. Perhaps one of the Hmong people here can answer.

Mr. ACKERMAN. You do not have a clue as to why they would not want their relatives to come to the United States?

Ms. CHA. No. Though, all the Hmong families that I—

Mr. ACKERMAN. Do they want them to stay in Thailand? Do they want them to be repatriated?

Ms. CHA. Let me say this: all the Hmong people that I know want their relatives to come, want their relatives to come very much. But then, there is also this kind of rumor that circulates and we do not know where the source.

Mr. ACKERMAN. It is a puzzlement.

Mr. VENTO. I do not think we have any incidents of forced immigration to the United States, do we?

Mr. ACKERMAN. I do not know that any have been reported. [Laughter.]

Mr. VENTO. So I think we can run the risk of sending out a few more invitations, Mr. Chairman.

Mr. ACKERMAN. Mr. Her, is it the desire of the Democratic Chao Fa to negotiate an agreement with the Lao Government?

Mr. HER. Yes, we plan it that way. We—I have been trying—I went to Thailand twice to try to negotiate with the Thai Government to also help pushing the Lao Government to establish a dialogue between the Democratic Chao Fa and the Lao Government. Because, our goals, we do not want to go—involve in a war anymore. We want peace and we want Laos to be a good country for every ethnic in Laos.

Mr. ACKERMAN. Would you be willing to coexist with the current government?

Mr. HER. Pardon me?

Mr. ACKERMAN. Would you be willing—would the Democratic Chao Fa be willing to coexist—to jointly share control?

Mr. HER. Yes, we do. In our Chao Fa policy—

Mr. ACKERMAN. You would be willing to share power with the existing government?

Mr. HER. Yes, we do.

Mr. ACKERMAN. Do you have any guess as to why people would not want their relatives to come to the United States?

Mr. HER. My knowledge, a lot—all of them want their relatives to come. But some way, some how, some sort of tape circulation was flying over there scaring people over. It even included some of my relatives. When I went visiting them, they look at me, they say, "Oh, you are so white. Your flesh must be taste good." And I said, "Who told you guys that?" They asked—they told me that they listened to a tape; that they—

Mr. ACKERMAN. They what?

Mr. HER. They listened to a cassette tape.

Mr. ACKERMAN. Listening to tapes.

Mr. HER. Yes.

Mr. ACKERMAN. And the tapes tell them that?

Mr. HER. And the tapes was from the United States. We do not know who sent to them. But my point of view, we want all those who are qualified to come, we want them to come.

Mr. ACKERMAN. Putting aside for the moment who might have sent the tapes—

Mr. HER. I do not know.

Mr. ACKERMAN. Let set that question aside, because I do not know that we could find the answer out here. What would be the motivation of someone who would want to discourage Hmong people from coming to the United States? Why would somebody want to keep Hmong people in the region, in Thailand?

Mr. HER. I would put—back in 1979 to 1986, I was working for the state of Wisconsin with the refugee resettlement program, and I ran into a lot of people who are depressed. They came over here. They did not know the language. They cannot cope with the society. And some of them were sponsored by a family and community.

They were isolated from the rest of the Hmong communities. So they are very depressed and some of them commit suicide. But I cannot say exactly who had the intention to do that.

Mr. ACKERMAN. Thank you. Mr. Vang, do you know what happened to Vue Mai?

Mr. POBZEB. Well, I do not know what happened. What I learned, I learned from a newspaper and a U.S. Committee of Refugee report in 1993. That is when Vue Mai disappeared in Laos.

Mr. ACKERMAN. Are those your booklets and—could you tell us what that is on the table? Is that your organization's literature?

Mr. HER. The booklets are mine and the tapes are his.

Mr. ACKERMAN. The tapes are yours?

Mr. POBZEB. Yes, the tapes here are mine. They are free for everyone who wants to take and look over.

Mr. ACKERMAN. Is that about Vue Mai?

Mr. POBZEB. It is about forced repatriation from Thailand to Laos.

Mr. ACKERMAN. Forced repatriation. Having nothing to do with Vue Mai?

Mr. POBZEB. The tape has nothing to do with the disappearance of Vue Mai.

Mr. ACKERMAN. Was the—could you explain what the resistance is?

Mr. POBZEB. I have no connection to the resistance and I do not know about the resistance.

Mr. ACKERMAN. But do you know what they do? Or what their purpose is?

Mr. POBZEB. This I heard, but I do not know too much about it because of my job is to protect human rights and freedom for the refugees.

Mr. ACKERMAN. Do you think the resistance was involved in any way with the disappearance of Vue Mai?

Mr. POBZEB. To my knowledge, I do not think so, because I do not know the information about what happened to Vue Mai.

Mr. ACKERMAN. Do you know if the Lao resistance ever made a threat against Vue Mai?

Mr. POBZEB. I do not know, sir.

Mr. ACKERMAN. Do you know if anybody associated with the resistance ever threw a grenade into Vue Mai's residence?

Mr. POBZEB. No, I do not know, sir.

Mr. ACKERMAN. No, they did not or no, you do not know?

Mr. POBZEB. No, I do not know.

Mr. ACKERMAN. After Vue Mai endorsed the idea of repatriation, did the resistance or anyone associated with it ever threaten Vue Mai's life?

Mr. POBZEB. I do not know—I do not know about that.

Mr. ACKERMAN. Would you think there is credibility to that theory?

Mr. POBZEB. Which theory, Mr. Chairman? Which theory?

Mr. ACKERMAN. The theory that the resistance had something to do with Vue Mai's disappearance?

Mr. POBZEB. I do not know what the theory means.

Mr. ACKERMAN. I am sorry?

Mr. POBZEB. I do not know about a theory.

Mr. ACKERMAN. Does the theory have any credibility in your mind? It is possible?

Mr. POBZEB. To my knowledge, I do not think so, but I do not know about the issues.

Mr. ACKERMAN. Several Hmong in this country refused to testify before us today, and they claim that your group, the Lao Human Rights Council, had threatened them and intimidated them into not appearing before us. Do you have any response to those claims?

Mr. POBZEB. Mr. Chairman, the Lao Human Rights Council has nothing to do with what they are claiming. I think what they are lying to the U.S. Congress because the person who will be threatened is me.

Mr. ACKERMAN. I am sorry?

Mr. POBZEB. I said the Lao Human Rights Council has nothing to do with what they claim. A lot of people want to threaten me because I oppose human rights violations in Laos. I oppose forced repatriation.

Mr. ACKERMAN. The people that we had asked to testify also oppose human rights violations in Laos and wanted to so testify. But they claim that they were threatened by your organization because they hold a different view.

Mr. POBZEB. I do not know about this. What we have done—the organization—is to promote refugee resettlement, economic and job opportunities for the Hmong people, and the Hmong people are very honored about what they are doing.

Mr. ACKERMAN. Could you tell us, concerning your fundraising activities, do you participate in selling military and academic titles?

Mr. POBZEB. The answer is no. The Hmong people who are coming to participate in this hearing today, they come by their own money and for their own purpose. They come here because they are not happy about forced repatriation. And like Dr. Merritt talked about before this, on April 30 of this month, there will be a conference in Green Bay, Wisconsin. And what the Hmong are doing for the conference is to talk about human rights violations and the problems of refugees.

Mr. ACKERMAN. Does the resistance raise money by selling military and academic titles?

Mr. POBZEB. I have no knowledge about that. I do not know about this one because my purpose is to engage only for human rights and for refugee issues.

Mr. ACKERMAN. Do you believe that Hmong people returning to Laos face a mandatory death sentence?

Mr. POBZEB. Yes, I do, because this cassette tape contains such information. And the people in Thailand informed me and they write letters to me, they say they are not willing to go back to Laos because they do not believe it is safe for them to return. And let me read about some quotations from two women who conducted a mission in Thailand between February and July of 1992. The quotation says, "The majority claimed they wanted to resettle in the United States, not return to Laos, which was the only remaining option. Some claimed that they would sneak out of the camp. Others have threatened suicide. Men worry about their personal

safety more than women: they fear arbitrary arrests by the Lao Government."

The survey continued, 50 percent of those surveyed by the two women said that they worry about being captured, arrested, killed and separated from family members. I believe that is the finding reported in 1992 supported by some group of the United Nations. And I want to say it is true because too many people said they do not want to go to Laos because they are concerned about their safety.

Mr. ACKERMAN. Could you share with us your view of people who want to be repatriated to Laos?

Mr. POBZEB. According to the petition that I received here, the refugees say they might decide to go to Laos when there is safety, and basic human rights, and basic peace in Laos. So I think I support what the refugees have been talking about. They have been begging me to come to you to ask for your support and I believe what they said.

Mr. ACKERMAN. I am asking about the people who want to return to Laos. If there are people who want to return to Laos, do you support their wish?

Mr. POBZEB. According to the refugee report, this is the petition I received here.

Mr. ACKERMAN. No, I am not talking about the report. I am talking about your opinion. Do you support the right of somebody who wants to return to Laos to be able to do so?

Mr. POBZEB. Yes, I support the people according to the Universal Declaration of Human Rights. If the people want to go, they can go. If they do not want to go, I think they must not be forced to go. They should decide whether they want to go, or they want to come to the United States or to any place else.

Mr. ACKERMAN. Of the people who choose to go to Laos, do you discourage them from going there?

Mr. POBZEB. If they decide to choose to go, that is up to them, and that is their own business and purpose. They have freedom to go.

Mr. ACKERMAN. Prior to that, do you try to dissuade them from going?

Mr. POBZEB. What I have said in the past and now, I have to say that there is a freedom—I call it the human rights declaration—and each people have basic rights to determine what are their own rights. Whether they want to go, or they do not want to go, that is up to them. This is my purpose.

Mr. ACKERMAN. Let me try one more time. Have you ever tried to discourage somebody from returning to Laos?

Mr. POBZEB. The answer is no.

Mr. ACKERMAN. You have never tried to discourage somebody who wanted to return to Laos?

Mr. POBZEB. No. The answer is no.

Mr. VENTO. Chairman.

Mr. ACKERMAN. Mr. Vento.

Mr. VENTO. Yes. Just on this particular point, I think that first of all, there was a point made here about different witnesses. I think that Dia Cha's testimony is in contrast to the others on this panel. So obviously, you know, it is up to you to pursue. She was

obviously willing to come here and to speak, and obviously point out some very important problems, plus, I think, some differences.

But the other I was going to point out is that we have in the community, at least in St. Paul, initially most of the Hmong that came had the idea to go back to Laos. Of course, they were not exactly going back to peacefully settle. That was not their notion. It was more along the lines of what Mr. Her's idea was. I think that many of us, even myself, discourage people from going back to Laos on that basis and try to encourage them to make a life in our country. That was the only point, and I know that is not what anyone was talking about here. We are talking about people in the refugee camps and so forth.

But I do think that that is a point worth noting and we would not want to—

Mr. ACKERMAN. Sure. Mr. Her, should people be discouraged from going back to Laos?

Mr. HER. No. Our party's point of view, we would like people to have their own choice, and we know that Laos is their native country. Everyone wants to go back. If that place is safe and secure for their life, then they would like to go.

Mr. ACKERMAN. Thank you. Ms. Cha, same question.

Ms. CHA. I would not discourage anyone, if that is what is their choice. If they want to go back, then they will go back. I would not discourage them.

Mr. ACKERMAN. Let me—

Mr. HER. Mr. Chairman.

Mr. ACKERMAN. Mr. Her.

Mr. HER. Can I make a comment? I would like to make a comment to put on the record that for at the meantime, for those who are voluntary repatriate to Laos, I would like—our party would like to request that the Lao LPDR and the United—UNHCR resettle them into an area near the city where it is good communication and they have access to other resources. We do not want them—the LPDR to resettle them nearby where the Chao Fa live, because they may be accused of cooperating with Chao Fa again and they may be killed. There may be innocent people that will get killed. So I would like to make that comment.

Mr. ACKERMAN. Thank you. Let me, on behalf of the committee, thank the panel for their participation. Your statements and observations and answers to the questions have been very helpful in our deliberation. And let me, on behalf of those on our committee and those in the Congress—Mr. Vento, who has been so intensely concerned about the Hmong people and their fate—express great thanks to those who have come here from so far to witness our hearing.

Thank you very much. This hearing is adjourned.

[Whereupon, at 7:03 p.m., the subcommittee was adjourned.]

APPENDIX

TESTIMONY OF

PHYLLIS E. OAKLEY

ACTING DIRECTOR, BUREAU FOR REFUGEE PROGRAMS

U.S. DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

HOUSE FOREIGN AFFAIRS COMMITTEE

APRIL 26, 1994

CHECK AGAINST DELIVERY

EMBARGOED BEFORE DELIVERY, APRIL 26, 1994, 1:30 P.M.

Mr. Chairman and members of the Committee, I am very pleased to be here this afternoon to review developments on several Asia refugee issues. It has been some time since the Bureau for Refugee Programs was last invited to provide formal testimony to this subcommittee and there have been some rather dramatic developments since our last appearance -- perhaps most notably the successful repatriation of some 370,000 Cambodian refugees who had been in exile for well over a decade.

I would like this afternoon to briefly outline recent developments with respect to Cambodian refugees, to the Comprehensive Plan of Action for Indochinese Refugees including the Hmong, whom I know are of special concern today, and to Burmese refugees in the region.

CAMBODIA

As you all may remember, the Bureau for Refugee Programs was established in the midst of the 1979/80 Cambodian refugee crisis to help the U.S. Government better focus its international assistance and refugee admissions efforts on the burgeoning number of refugees throughout the world. It was thus a major milestone in the life of the Bureau when one year ago -- in April 1993 -- the last of the over 370,000 Cambodian refugees in Thailand were able to return to their home country in safety and dignity as part of a highly organized and publicized United Nations effort to bring peace to Cambodia. The Bureau for Refugee Programs has contributed substantial material aid to that refugee repatriation and reintegration effort -- a total of some \$24 million in earmarked contributions to date. The United Nations High Commissioner for Refugees (UNHCR), International Committee of the Red Cross (ICRC), World Food Program (WFP), and United Nations Development Program (UNDP) received contributions for the physical movement and transitional care for returning refugees as well as for small-scale projects to rehabilitate local infrastructure such as primary schools to facilitate the reabsorption of those who had had to flee. The Bureau also provided funding to non-governmental organizations (NGOs) working on the major task of demining.

The UNHCR has recently surveyed the returnee population with respect to their degree of reintegration. I am pleased to report that some 80% are doing well in the sense that they are no worse (or better) off than other Cambodians. I do not wish to minimize in any way the disruption in their lives that the returnees have experienced, even with their return to Cambodia. The process of recovery is not a short one. A major refugee problem, however, has been successfully resolved.

Our hopes for a peaceful, stable Cambodia that generates no new refugees have been tempered by several displacements of

civilians owing to the ongoing hostilities in parts of the country. The late March outflow to Thailand of some 25,000 civilians fleeing the battle for Pailin raised fears of a repetition of the 1979/80 refugee influx. The Royal Thai Government (RTG) has been categorical in expressing its resolve not to assume another such burden. Those who fled to Thailand were quickly moved back to a Khmer Rouge-controlled area of Cambodia, but not to the Pailin conflict zone.

Regretably, the RTG did not allow international access to the displaced Cambodians, despite our appeals and those of the UNHCR, the ICRC, and the Royal Cambodian Government (RCG). Both the USG and the U.N. High Commissioner for Refugees, Mrs. Sadako Ogata, issued statements critical of the RTG's return of these Cambodians -- most of whom reportedly were women, children, and the elderly -- to Khmer Rouge-controlled areas without coordinating with UNHCR to repatriate them voluntarily in safety and dignity to areas of their choice. We also made these points in demarches to the RTG in both Washington and Bangkok. A number of U.S. NGOs have added their voices to appeals to handle any new groups of Cambodian asylum-seekers in a manner consistent with international refugee principles.

Our focus at present is on discovering more about the welfare and whereabouts of the 25,000 Pailin civilians who are in a rugged, malaria-ridden area, and on assuring that any future influxes are handled properly. We are working with the RCG in an attempt to provide assistance to these people.

Another potential cause for refugee concern in Cambodia is the periodic violence against ethnic Vietnamese. Last year, several hundred families of ethnic Vietnamese Cambodian fishermen were uprooted and fled to the Cambodia/Vietnam border. Earlier this month, there were armed attacks on ethnic Vietnamese Cambodians near Phnom Penh.

We watch all of these situations carefully, remaining in touch with, and drawing on information from, governments, international agencies, and non-governmental organizations.

CPA

Another Asia refugee problem which has been an enduring focus of the Bureau throughout its life is that of the Vietnamese boat people. As you all well know, the USG has been a key player in the multilateral effort to address this issue, known as the Comprehensive Plan of Action for Indochinese Refugees (CPA). Adopted in 1989, in response to the continuing large-scale arrivals of Vietnamese boat people, death at sea,

and the increasing unwillingness of first-asylum countries to grant open-ended asylum, the CPA has been -- in our view -- a model of international burden-sharing and a success in stopping the flow out of Vietnam, in saving lives, and in showing the effectiveness of orderly migration. Almost no new asylum-seekers have arrived from Vietnam or Laos -- the two countries of origin covered by the CPA -- in the last two years.

The Fifth Steering Committee Meeting of the CPA took place under the auspices of the UNHCR in Geneva on February 14 of this year. That meeting addressed the need to bring the CPA to a successful and humane close now that most refugee determinations have been made, that new arrivals are virtually nil, and that over 60,000 Vietnamese boat people have safely repatriated to Vietnam and begun their reintegration there. The United States joined the comprehensive consensus statement of the full Steering Committee, which outlined a target of bringing the CPA to a close by the end of 1995 and which noted that henceforth new arrivals would be treated in accordance with normal international principles for asylum seekers -- including the all-important principle of non-refoulement -- rather than in accordance with the special CPA procedures. While the United States announced at the Steering Committee meeting that we do not oppose in principle the mandatory return of those determined not to be refugees, we noted that, for the time being, such return should not be extended beyond its current application in Hong Kong. First asylum countries should continue to emphasize voluntary return. We arrived at this position after thorough discussions with U.S. non-governmental organizations and other interested parties.

As you know, this is a very difficult issue. Our goal has been to reconcile our desire to avoid resorting to mandatory repatriation with the realization that screening will soon be completed in all of the first asylum countries and that those who remain will have been determined not to be refugees. Of equal importance is the experience to date of more than 60,000 persons from the camps who have voluntarily returned to Vietnam. They are safe and being monitored and assisted by UNHCR, the European Union, and the U.S. Government through American non-governmental organizations. We believe that improving economic conditions in Vietnam and the planned opening of the U.S. Liaison Office are both positive developments in this regard.

Now that the Steering Committee has declared the intention to conclude the CPA by the end of 1995, the screened-out in the camps deserve a clear picture of the alternatives they face in order to be able to make rational decisions about their lives. We believe that part of that picture must not be the false hope of ultimate resettlement in the United States.

We will continue to make every effort to support a voluntary repatriation program that we hope will make mandatory repatriation unnecessary, including by continuing generous U.S. financial support to the UNHCR voluntary repatriation program.

We also believe that an important element of CPA success is support for reintegration efforts inside Vietnam. Since FY 92, we have provided nearly \$4 million to several U.S. NGOs -- the Consortium (Save the Children), World Vision, the International Catholic Migration Commission, and the Southeast Asia Resource Action Center -- to implement projects for returnees and their neighbors in such areas as vocational, health care, and micro-business training; apprenticeships; and small business grants for enterprises such as animal husbandry.

I know that many of you are also keenly interested in the resettlement of Vietnamese refugees in the United States and in safe migration through the Orderly Departure Program. The U.S. ODP is ongoing and will provide a safety net for cases of special interest to the United States. We are working closely with the UNHCR and with a number of interested U.S. NGOs to ensure that all of those with a valid claim to refugee status are addressed as we proceed toward the end of the CPA.

HMONG

Laotian refugees are the other group included in the CPA. I know that today you have a special interest in discussing them, especially the Hmong.

The United States has long recognized a responsibility to assure that Hmong refugees and asylum seekers are treated fairly and given appropriate benefits under U.S. law. They made a real contribution to U.S. war efforts and we have a special obligation to them. As the CPA draws to a close in the coming years, we intend to continue our major leadership role in assuring that the Hmong situation is resolved in the same humane and dignified fashion that has largely characterized multilateral cooperation under the CPA to date.

Since the end of our military involvement in Indochina, we have assisted and resettled large numbers of Hmong who crossed into Thailand. Since 1975, 200,000 Lao have been resettled in the U.S., including 106,000 Highland Lao (mainly Hmong) and 94,000 Lowland Lao. During the last two fiscal years, just under 7,000 Highland Lao came to the United States each year, and we expect a similar number in FY 94. Tentative plans call for the admission of all currently qualified applicants in FY 1995. We estimate this will be up to 7,000 people.

Voluntary repatriation has also been a solution for many Lao refugees. Since 1980 nearly 19,000 Lao -- including more than 16,000 from Thailand -- have repatriated to Laos. The proportion of Hmong among the repatriates has steadily increased to some 52.6% in 1993. Indeed, UNHCR has noted that in 1993 more Hmong (2,052 -- including 809 not recognized as refugees) repatriated than in all previous years combined.

Repatriation to Laos is carried out on the basis not only of the CPA, but also of tripartite arrangements among UNHCR and the Governments of Thailand and Laos. The Tripartite meeting held in Luang Prabang, Laos in 1991 established that repatriation would not involve the use of force. The Thai government has publicly stated that no force would be used. Our embassy officers in Bangkok periodically check repatriation efforts and have confirmed that those who apply for repatriation are free to withdraw up until the very last moment should they develop any misgivings. UNHCR manages the repatriation process and assists and monitors the safety of those who return. The comprehensive consensus statement of the Fifth CPA Steering Committee meeting of February 14 took note of the results of the sixth tripartite meeting among UNHCR and the Governments of Thailand and Laos of July 15-16, 1993 in Savanakheth, Laos. It also called for increased attention to the issue of reintegration assistance for those returning to Laos.

Since the beginning of the CPA in 1989, the United States has contributed significant funding to the annual appeals of UNHCR for assistance to Laotians as well as to Vietnamese. In FY 1992, we earmarked \$2 million to UNHCR for use in programs to assist Lao/Hmong repatriation, including reintegration assistance in Laos. Of this amount, \$1.5 million was mandated by Congress to be spent through non-governmental organizations (NGOs) for assistance to Hmong repatriates. These funds were used for NGO projects such as family garden plots, small-scale irrigation, housing and sanitation facilities, and training in animal husbandry. The Consortium, a U.S. NGO, Irish Concern, and Dutch ZOA have been among UNHCR's implementing partners. Recently we contributed \$700,000 to the International Organization for Migration (IOM) for site enhancement projects in Laos for returning Hmong. These projects range from irrigation spillways and road repair to additional preschool classrooms and explosive ordnance disposal. One of my staff members is just arriving in Laos where he will be reviewing the implementation of these efforts and their impact on providing a genuinely durable solution for returning Laotians.

As you all well know, programs of voluntary repatriation to Laos for Hmong received a setback with the as yet unexplained disappearance of the prominent returned refugee Mr. Vue Mai.

Since learning of his disappearance, the United States Government has repeatedly urged the Lao and Thai Governments to make every effort to locate Vue Mai and guarantee his welfare. We raised our concerns directly with the Foreign Minister of Laos during his visit to Washington last year and the Government of Laos reports that its investigation is ongoing. According to information we have received, there appears to be no evidence to tie either the Lao Government or elements of Lao resistance forces to the disappearance.

I had an opportunity to meet earlier this month with Vue Mai's wife and son, who had come to Washington to urge continued action on discovering the fate of their husband and father. We would of course welcome an early resolution to the anxiety and fear caused by this disappearance; and we call upon the Government of Laos to make public the results of its investigation as soon as possible.

The U.S. Department of State continues to support voluntary repatriation and to believe that Laotians -- both the Hmong and ethnic Lao -- can return safely to Laos. We acknowledge that there have been negative reports on this question. With the exception of the Vue Mai case, our inquiries have produced the conclusion that those reports have been unfounded. We remain committed to following up on all well-founded concerns.

While the United States continues to resettle Hmong and to assist those who repatriate, we recognize that there is now a maturing political relationship between Thailand and Laos, as well as a developing cooperative U.S. relationship with Laos. Thailand and Laos are working closely together to try to resolve past differences, which had been exacerbated by the presence along the border of large Hmong refugee populations that provided material support to Hmong insurgents carrying out operations against Lao targets. International refugee law does not countenance refugees using their safe haven status to take any armed action against their home country. The USG has provided information to the Lao community in America about the possible criminal and civil penalties for individuals within the United States who provide financial or materiel support for efforts to destabilize foreign governments with which the United States is at peace.

During the last two years, as the CPA has reduced the numbers of refugees in Thailand, the Thai Government has closed two main camps that housed Hmong and other Laotian asylum seekers -- Ban Vinai and Chiang Kham. We understand that the RTG plans further camp consolidations this year as part of the CPA endgame process. Since the majority of Hmong in Thai camps were eligible for resettlement in the U.S., but had chosen not to pursue this option, the Thai Government directed that the

Hmong had to choose between resettlement or return to Laos. Those choosing repatriation have been sent to Napo camp; those choosing resettlement went to Phanat Nikhom for processing. Of the approximately 16,000 Hmong currently in camps in Thailand (9,000 in Napo and 7,000 in Phanat Nikhom), fewer than 2,000 have been screened out -- that is, found ineligible for refugee status -- and must return to Laos. The vast majority have had a choice of where they want to go; and many of those who have this choice have chosen to return to Laos.

The United States believes that qualified Hmong should have the option of repatriation or resettlement, and we will support them in either choice. All available, verifiable evidence of which we are aware indicates that Hmong are not forced to return to Laos, and when they return they are not persecuted by the Lao Government or other Lao. We of course recognize that given the legacy of past abuses, the international community must remain as vigilant on refugee follow-up as in other repatriation programs. We stand ready to investigate any information to the contrary, as long as it is based on credible facts. We are confident that a U.S. policy of support for the choices made by the Hmong is in their interest and, therefore, in the interest of meeting our responsibilities as a nation to help those who helped us.

BURMESE

With the successful April 1993 conclusion of repatriation of the Cambodian refugees from Thailand, the largest group of refugees remaining in the region are the Burmese Rohingya refugees in Bangladesh, of whom 200,000 are still in camps there. In May of last year, U.N. High Commissioner for Refugees Ogata travelled to Dhaka and signed a Memorandum of Understanding on the voluntary repatriation of refugees to Burma, assuring unimpeded UNHCR access to all the camps. International efforts, in which the USG played a key role, to pressure the Government of Burma (GOB) to accept a UNHCR monitoring role finally led to a UNHCR - GOB MOU in November 1993, two years after the commencement of the refugee crisis.

Some 50,000 of the original 250,000 Rohingya refugees have already voluntarily repatriated to Burma and UNHCR is poised to begin organized movements this month. This repatriation program will -- like all others -- include basic household level assistance to the returnees and some small-scale community projects such as well digging to help facilitate the reintegration of the refugees.

Although the GOB continues to be the same repressive regime which generated the refugee outflow, it has, by agreeing to a permanent UNHCR monitoring presence in Arakan State, committed

itself to repatriation in safety and dignity. Moreover, the Rohingyas cannot stay indefinitely in Bangladesh. We believe that voluntary repatriation is appropriate at this time and should be supported. The U.S. Government is pledging \$4.75 million to UNHCR and to the World Food Program for the repatriation effort.

The other Burmese refugee group of concern -- that in Thailand -- at present is comprised of some 66,000 minority Burmese ethnics and "students" -- refugees associated with the democratic opposition to the current Burmese authorities -- living in camps in Thailand. UNHCR has been able to confer "person of concern" status on 2,500 of the "students" who are thus eligible to reside in a camp known as the "Safe Area" -- a facility where UNHCR has a full-time presence and where training opportunities are available.

The RTG has not accorded refugee status to Burmese living in camps near the border. Several non-governmental organizations are providing material aid because international organizations have not been permitted to act. As with the Cambodians, Thailand has declared that it will not assume a long-term refugee burden. The RTG is actively engaging the parties to the various Burmese ethnic conflicts to promote peace talks that would obviate the need for continuing refugee asylum in Thailand. We are concerned that international standards of refugee protection may need to be guaranteed and have called upon the RTG to cooperate fully with the international community in addressing this refugee situation.

Again, thank you Mr. Chairman for this opportunity to provide a summary of our current Asia refugee concerns and goals. Let me repeat that the end of the CPA requires the same kind of U.S. leadership, imagination, and generosity that was present when it began. We intend to keep it that way.

PREPARED STATEMENT**Before the House Sub-committee on Asian and Pacific Affairs****By****Ha Van Ngo**

Mr. Chairman and members of the Sub-committee, my name is Ha Van Ngo and I am a 16 year-old Vietnamese orphan. I arrived to the United States exactly two weeks ago, after four years in detention in Hong Kong. First, I would like to thank Congressman Matthew Martinez, a member of this Sub-committee, and hundreds of caring people who have helped me. Without these kind individuals, I would not be here today.

I had to flee my country because the communist government blacklisted our family. My father was a lieutenant in the former government. After 1975, he was sent to re-education. Our house was confiscated and my family was forced to go to a New Economic Zone in a mountainous area infested with malaria. After release, my father was banned from any legal employment. My father had to hawk medicines illegally to feed the family. Every time the police caught him, they took away everything and sent him to forced labor for several months. At school, I was banned from all youth organizations. Life was extremely hard. Then in 1988, both of my parents died in a car accident. My aunt took me and my siblings in but we virtually had to fend for ourselves in a hostile environment. There were times when we had no rice to eat for days. My uncle-in-law often beat us up. I decided to escape but many times failed. Twice I was caught and sent to communist prison, at the age of 11. Because of that my aunt was fired from her job. Finally, I landed in Hong Kong on August 24, 1990. A brother of mine also fled in 1990. He is being detained in the Philippines.

I was first detained in Green Island Detention Centre. It was like a prison with curfews, food rations, barbed wire fences, and armed security guards. It was crowded, dirty and unsanitary. I was then moved to Whitehead Detention Centre for much of the same and then to Sekkong Detention Centre. The days were hot and the nights were filled with

mosquitos. Unaccompanied minors like me took empty carton boxes, taped up the holes and tears and put them over our heads for coverage. We still woke up with swollen faces from mosquito bites. Life was unsafe because there were gang members who robbed and raped and beat up innocent people. The police did not do anything to stop them. After Sekkong, I was moved to Tai A Chau Detention Centre and detained until earlier this year when I was taken back to Whitehead Detention Centre, to be forced back to Vietnam.

When I first learned in September 1992 that my name was listed for forced repatriation, I was shocked because I had not gone through screening. When I brought this up to the authorities, they told me that my brief conversation with a UNHCR field worker five months earlier was the screening. During that conversation, the UNHCR worker only asked me a few questions about my deceased parents and aunt and uncle in Viet Nam. I filed for an appeal but it was rejected.

I have been told that the responsibility of the UNHCR is to protect vulnerable persons like unaccompanied minors and act in their best interest. Yet in my case, the UNHCR made a ruling that was clearly against my best interest. Disregarding the plea of my aunt in San Gabriel, California, who had filed papers to sponsor me, the UNHCR decided to send me back to my relatives in Vietnam who did not want me.

The UNHCR resorted to intimidation and tricks to make my aunt and uncle-in-law in Vietnam take me back. In one incident, a UNHCR staff member threatened to send me to an orphanage if they refused to take me back. While in Vietnam, a Hong Kong television crew discovered that the Nordic Assistance to Repatriated Vietnamese (NARV), an organization funded by the UNHCR to assist unaccompanied minors, lied to my aunt that I had already arrived in Hanoi. She was told that she only needed to take me back for one hour and then NARV would immediately send me to an orphanage. In Hong Kong, a NARV representative promised me computer training, money and land to build a house if I didn't want to live with my relatives. I was told that my return to Viet Nam would entail staying in nice hotels and

driving around in nice cars. When I refused their offers, the NARV representative threatened that the police would come and take me anyway. I was very frightened and went into hiding.

With a toothbrush and a change of clothing, I moved from section to section in the camp. People in the camp would hide me in their living spaces and would warn me when guards were approaching. On occasions, I had to just run away, sometimes without time to slip on my shoes. I lived in hiding for almost four months.

Then I heard of some pro bono lawyers who helped the boat people. I was able to secretly contact one lawyer who took on my case. However, one day just as my lawyer left the camp, six guards grabbed me, squeezed my mouth and pushed me into a truck. They brought me to an office where they pinned me down on the floor. I struggled to get away and got injured. I was sent to an infirmary.

The police then came to the infirmary to take me to Whitehead Detention Centre. The doctor refused to let me go because I needed medical care. A Hong Kong official came and yelled at the doctor and showed her a notification of my pending repatriation date. I thought everything was lost when I saw the UNHCR seal on the document. If it were a Hong Kong document, I would still have hope of UNHCR's intervention. The UNHCR seal meant there was no one left to intervene. I was handcuffed and sent to Whitehead Detention Centre.

Fortunately, the international community took interest in my plight. Many people, including a Hong Kong judge and legislators, have come together to pressure the UNHCR to let me reunite with my relatives in the United States. Congressman Martinez was very kind when he requested Hong Kong and the UNHCR to reconsider my case. Under international pressure, the UNHCR finally allowed me to join my relatives in the United States.

Other Vietnamese asylum seekers are not as lucky in that they have suffered so much injustice without the knowledge or assistance of outsiders. They are being mistreated by governments and the UNHCR. They need help.

On April 7, 1,200 Hong Kong security members stormed Section 7 of Whitehead and lobbed over 500 tear gas canisters into a crowd of 1,500 boat people, including 400 children. I

VIETNAMESE BOAT PEOPLE IN SOUTHEAST ASIA AND HONG KONG:

A CALL FOR IMMEDIATE ACTION
TO PREVENT A HUMANITARIAN DISASTER

STATEMENT

OF DR. NGUYEN DINH THANG
EXECUTIVE DIRECTOR OF BOAT PEOPLE S.O.S.

before the
SUBCOMMITTEE ON ASIA AND THE PACIFIC
FOREIGN AFFAIRS COMMITTEE
U.S. HOUSE OF REPRESENTATIVES

APRIL 26, 1994

Mr. Chairman and members of the Subcommittee,

I am grateful to you and the Subcommittee for giving me this opportunity to bring to your attention the plight of 56,000 Vietnamese boat people in Southeast Asia and Hong Kong and to share with you my concerns, which are also the concerns of the Vietnamese American community at large.

The boat people situation is now dangerously unstable. There are signs of an imminent catastrophe. Out of despair and with no other options, many boat people have taken their own lives. Some of them I knew when they were alive.

In Summer 1991, I led a team of lawyers to Galang Camp, Indonesia. We interviewed a 15-year old minor, Luu Thi Hong Hanh, and submitted an appeal on her behalf. In 1992, the UNHCR reversed its initial decision and determined that it was in her best interest to be resettled in a third country. Six months later, Hanh's refugee status was revoked only because her uncle, who just left Galang for Canada, could not sponsor her. On February 14 of last year, she committed self-immolation.

I also know the case of Tran Minh Khoi well. His father, Tran Van Minh, an officer of South Vietnam, was granted refugee status and accepted for resettlement in the United States. But Khoi, 18-year old at the time, was "screened out" and told to return to Vietnam, where he had no relative. On October 10, 1992, in a desperate attempt to save his son, Minh hanged himself in the hope that his death would touch the heart of the screening authorities. He died in pain and in vain. The screening authorities still demanded 3,000 U.S. dollars from Khoi if he wanted to be "screened in". He did not have that kind of money and remained an economic migrant.

Hoang Thi Thu Cuc, 26, hanged herself to death on November 12, 1992, the day she lost her refugee status. Her father died during "re-education". Her entire family was forced to move to a New Economic Zone, in the middle of a jungle. During her escape from Vietnam, she was among the few who survived when her boat capsized off the coast of Thailand. Yet, she did not survive the screening process. I know her brother, a resident of Hyattsville, Maryland, who was devastated by the tragic outcome.

Tragic stories like those abound in all camps. I am afraid they are but the first signs of a looming human tragedy. Without immediate attention and intervention, the situation will very soon degenerate into violence, massive loss of human lives, and political and moral embarrassment for all parties involved. That would be a very sad ending to nineteen years of a U.S.-led humanitarian effort that has given life to almost one million Vietnamese, of whom I am one.

In June 1989, the international community, under the leadership of the United States, adopted the Comprehensive Plan of Action (CPA), effecting a compromise between the need to end the Vietnamese boat people problem and the principle of first asylum and refugee protection. Under the CPA, all boat persons have to undergo screening by the host countries. Those determined to be refugees are resettled while the rest will have to return to their homeland. The United States has since contributed well over 100 million dollars to the Office of the United Nations High Commissioner for Refugees (UNHCR) to implement the CPA.

The CPA helped diffuse the boat people crisis of 1988 and 1989. But the numerous flaws in its implementation, especially in screening, sets the stage for another crisis. Among the many flaws in screening, I will identify only the key ones.

1. Procedural Flaws

- Asylum seekers have been denied basic information about the screening procedures and the criteria for determining refugee status.
- With few exceptions, asylum seekers have been denied the right to legal representation and pro bono lawyers have been denied access to them.
- Asylum seekers have not been informed of the factual or legal basis for the denial of their claims. Accordingly, they have been forced to prepare their own appeals without knowing the reasons for denial.
- In Hong Kong and at various times in other first asylum countries, asylum seekers have not been accorded the right to verify the accuracy of the interview record, which had been neither transcribed nor recorded.

2. Flaws in the Application of the Procedures

- Asylum adjudicators have often denied applicants any opportunity to explain the details of their claims.
- Asylum adjudicators have in some cases written false entries in the record to justify the denial of claims.
- Asylum seekers have rarely been given the benefit of the doubt. Instead, asylum adjudicators often strained to find reasons to make an adverse credibility determination.
- The quality of interpretation has often been grossly deficient. The refugee criteria have been applied in ar

inconsistent and callous manner.

- In many countries, the UNHCR assumes both the role of monitor and adjudicator, turning counseling sessions into *de facto* screening interviews without the asylum seekers' cognizance.
- Screening is used as a means of deterrence. Even in the cases of glaring errors in the adjudicator's decision, correction is often ruled out for fear that it would raise false hopes and threaten the voluntary repatriation program.

3. Corruption and Sexual Favor

In many first asylum countries, widespread corruption and sexual favor severely undermine the screening process. The bribes range from \$3,000 at the screening stage, to \$7,000 at the appeal stage, and up to \$12,000 at the post-appeal stage. Many compelling cases have been screened out because they had nothing to offer but their true stories.

As a result, many asylum seekers, who had faced severe persecution by the communist government because of their religion, nationality, political opinion, or family background, have been determined not to be refugees. I will mention just a few cases in point.

Venerable Thich Tri Lang, is a prominent member of the Unified Buddhist Church of Vietnam, which currently faces severe oppression by the Vietnamese Government. In 1990, after eight years in hiding, he narrowly escaped a police raid and led seven of his disciples in a long trek through Cambodia into Thailand. In Sikiew Camp, he was nominated by his Church as its Chief Representative. This nomination was officially condemned by the Vietnamese government. Last year the Venerable and his

disciples, all monks and nuns, were denied refugee status. The reason for his denial reads "he was a soldier [and claimed that] his house was confiscated, that he was restricted in his job opportunities, and therefore claimed to be discriminated. Based on those claims, the subject does not meet the criteria for persecution. The subject is therefore denied refugee status." In reality, Venerable Lang took the Buddhist vow at age 10; he never was a soldier nor did he own a house.

Nguyen Thi Thu Huong's husband, a lieutenant of South Vietnam, was summarily executed by the communist guards for attempting to escape from re-education. She, with two baby sons, was ordered to relocate to a malaria-infested New Economic Zone. In 1989, she successfully escaped to the Philippines while her brother took her sons to Malaysia. Her sons were granted refugee status because of the persecution inflicted on the family. Ironically, Huong herself was screened out and must return to Vietnam.

Hoang Phuong Uyen's husband has been granted refugee status and has resettled in Boston. In August 1993, the Indonesian Government granted her refugee status and recommended that she, with her baby, be reunited with her husband in the United States. In September, the UNHCR decided that "Whilst the strength of the relationship between these two people is acknowledged as well as the importance for the child not to be deprived of his father, it is considered that, despite the fact Uyen is a good and capable mother, she requires the stability and security of her own family in Vietnam. Also, that if the relationship between Uyen and Long is strong enough for them to anticipate their lives together, it will withstand the period of separation..."

Finally, I would like to bring up again the case of Dao Dinh Dau whom you, Mr. Chairman, have successfully helped. Mr. Dau was communist officer who defected to the South in 1970. He the

joined the US 101st airborne division as a scout. After the communist takeover, Mr. Dau was sentenced to 4 years of re-education followed by 15 years of imprisonment. He successfully escaped to Hong Kong but was denied refugee status on the ground that "the reason for his sentence was the serious and treacherous nature of his action in surrendering to the enemy and fighting with them in war time... The applicant is not a refugee." Most disturbingly, the UNHCR concurred with Hong Kong's decision. He had been put on the list for forced repatriation when you intervened. Not too many boat people are as lucky as he was.

Under the CPA, those who have been screened out cannot be resettled. However, among them there are people who cannot go back to Vietnam because of their well-founded fear of persecution. This is a dilemma, not just for the unfortunate individuals but also for the CPA. These genuine refugees who have been unfairly denied refugee status are determined to resist repatriation by all means. They form the last roadblock to a final solution to the Vietnamese boat people problem.

One way to deal with this group is to disregard their predicament and resort to deprivation, coercion and force to make them to return to Vietnam. This approach has been adopted by first asylum countries, the UNHCR, and even our Department of State. Basic services such as education and medical assistance have been severely cut back. Food rations have been reduced. Remittances from overseas relatives have been blocked. Camps that were at one time relatively open have been turned into closed detention centers. Many of those steps are listed as a policy blue-print in one of UNHCR reports (dated December 3, 1992). Coercion and violence have been used in many camps. For instance, on November 15, 1993, a boat person was brutally assaulted by the Indonesia police for having refused to sign up for voluntary repatriation. Outright force has been used in Hong Kong.

This approach to repatriation has enormously undermined the credibility of the UNHCR, upon which hinges the final success of the CPA. Even to the least sophisticated, UNHCR's indifference to the brutal mistreatment of boat people by the Hong Kong police on April 7 must have raised serious doubts about the agency's ability and willingness to protect returnees against mistreatment in Vietnam.

The situation will get worse as the camp population reduces to its hardcore of egregious cases. Increased force and coercion will result in more tension, violence, and loss of human lives. Very soon, the CPA will spiral towards disaster. We have already seen some of its ominous signs.

Mr. Chairman,

It should now be clear why Hanh--the unaccompanied minor, Minh--the former officer of South Vietnam, and Cuc--the young woman who survived the ordeals at sea and whose father died in re-education, took their own lives. They had no other choice. They could not be resettled; they could not return to Vietnam; and they could not remain in the camp.

We have passed the stage of criticisms. I would like to propose a two-pronged solution.

1. Correct Errors in Screening

A genuine effort by all parties in the CPA must be made to identify and review cases of refugees who might have been erroneously screened out. For cases found to be truly meritorious, the UNHCR should grant them mandate refugee status (Under the CPA, the UNHCR has the mandate authority to recognize

n asylum seeker as a refugee even after the person has been screened out by the first asylum country.) Since this is the last chance, extraordinary precaution must be taken to ensure that this final act be as fair as possible and do not suffer from the blatant flaws described above.

There may be fear among some quarters that any attempt to review egregious cases might give people in the camp false hopes and undermine voluntary repatriation. This fear may be legitimate. However, the problem cannot be defined away nor will it miraculously vanish. It has to be dealt with, and the sooner the better. There may also be concerns about the resettlement burden. We are only talking about a relatively small number of cases to be distributed among a dozen resettlement countries.

. Promote Trust and Confidence in Voluntary Repatriation

Voluntary repatriation should be based on cooperation and not on confrontation. The CPA should enlist non-governmental organizations, especially those trusted by the boat people, and the Vietnamese community overseas to help provide accurate information about conditions in Vietnam, especially the conditions of the 60,000 who have returned, and to send a very clear message about the limited options available to those who do not have a valid refugee claim.

In February 14 of this year, the CPA Steering Committee convened in Geneva and set the end of 1995 as the target date to end the CPA. To meet that target, first asylum countries are poised to implement forced repatriation throughout the region by the end of this year, if not sooner. We have a very small window of opportunity to stave off a political and humanitarian disaster. It is slipping away very rapidly.

Unless the United States once more, and immediately, takes the lead in this final humanitarian act, we will have to watch an otherwise successful international refugee program under U.S. leadership end in blood, violence, and tremendous human sufferings.

I call on your Subcommittee to send a delegation to the region to obtain first-hand assessment of the situation and its problems. This will help formulate a set of concrete and practical recommendations to be presented by the U.S. delegation at the upcoming CPA technical meeting in Bangkok, Thailand, on June 2 and 3.

Mr. Chairman,

My organization has worked very closely with your Subcommittee, the Department of State, the UNHCR, and many other governments such as France, Canada, and Australia, since the beginning of the boat people saga 15 years ago. We agree that the time has come to bring that saga to an end. We, however, call for a fair and humane ending to this protracted humanitarian problem, which is a fallout of the Vietnam War. As the United States moves towards normalization with Vietnam, one last humanitarian act by this country is needed to close the final chapter on Vietnam War with honor and in good conscience. We will maintain our cooperation and commitment to the end.

I can say with confidence that the Vietnamese community, not only in the United States but also around the world, feels the same.

REFUGEES
INTERNATIONAL



DRAFT Statement

of

LIONEL A. ROSENBLATT

PRESIDENT

REFUGEES INTERNATIONAL

On

SOUTHEAST ASIAN REFUGEES

before the

Subcommittee on Asia and the Pacific

Committee on Foreign Affairs

U.S. House of Representatives

April 26, 1994

DRAFT Statement of
Lionel A. Rosenblatt, President
Refugees International
To
The House Foreign Affairs Committee
Subcommittee on Asia and the Pacific

April 26, 1994

Mr. Chairman:

Thank you for inviting me to testify today at this critical juncture for Indochinese refugees.

Mr. Chairman, your Subcommittee has always taken a strong lead in spotlighting dangers to first asylum and protection of Indochinese refugees. There is widespread bipartisan support in the Congress for Indochinese refugees and for almost two decades no committee has done more on Indochinese refugee protection than this one. We appreciate your having called this hearing at such an important moment in the history of the Indochinese refugee crisis.

Since 1975 more than 1.5 million people have fled their homes in Vietnam, Laos and Cambodia to temporary asylum in other Southeast Asian countries, following which most have been resettled in third countries, chiefly the United States, France, Australia and Canada. This has been one of the finest humanitarian accomplishments since the end of World War II. Temporary asylum, backed by resettlement opportunities for the refugees, saved thousands of lives; without this first asylum framework, refugees would have been pushed back to sea and across land borders with the loss of thousands. Based on this framework, the United Nations High Commissioner for Refugees was awarded the Nobel Peace Prize in 1982, largely for its management of the Indochinese refugee problem.

Now, more than a decade later, there are virtually no new refugees seeking to permanently leave Vietnam, Laos and Cambodia. Some are returning voluntarily to their country of origin. Less than 100,000 Indochinese refugees remain in camps in the region.

Although the scope of the problem has diminished greatly, a successful ending is not in sight. Instead there are ominous signs that what could still be a humanitarian triumph is turning into a humanitarian disaster. Only U.S. leadership can salvage the situation.

Strong bipartisan congressional interest has produced humane solutions for thousands of Southeast Asian asylum seekers. As the refugee crisis in the region comes to a close, it would be a mistake to let our efforts wane.

Let me briefly describe the problems facing Vietnamese refugees, Hmong refugees from Laos, and Cambodians who have recently fled fighting between Cambodian government forces and the Khmer Rouge.

VIETNAMESE ASYLUM SEEKERS:

About 60,000 asylum seekers from Vietnam remain in camps in Southeast Asia. Many of these have been screened out as not having a fear of persecution as required to meet the definition of political refugee. There are, however, some cases throughout the region of Vietnamese asylum seekers who have a strong claim to refugee status through service with the U.S. or former government of Vietnam. The U.S. embassies in the region should be instructed to assist in identifying such cases. For the remaining screened-out, repatriation is the only option, but forced repatriation should be a last resort, and then only with better monitoring in Vietnam and more sustained support for returnees. The time is not right for forced repatriations; the U.S. should be working with non-governmental agencies to effect a peaceful and truly voluntary return home for the boat people.

Forced repatriation of the screened-out has already begun from Hong Kong. Now in a troubling new development, it appears that the Hong Kong government is using increasing force against the Vietnamese, leading to violent confrontations with the asylum seekers.

On April 7, the Hong Kong government used 1,250 police and prison officers in an unannounced transfer of 1,500 Vietnamese asylum seekers from Section 7 of Whitehead Detention Centre to High Island Detention Centre. The government action was taken in response to a hunger strike and other forms of civil disobedience by asylum seekers; this protest against unjust screening policies and forced repatriations was sparked by the February CPA Steering Committee decision to end the special status of Vietnamese asylum seekers in the region. According to Hong Kong government reports, the action began at 6:00 a.m. with a period of counseling, during which the residents of Section 7 were told that they were being transferred to another facility and that they were not being forcibly repatriated to Vietnam.

However, *Refugees International* has learned that the majority of the camp population was not told of the transfer until after security forces had fired two volleys of tear gas into the huts. The transfer was announced by megaphone to the asylum seekers only after the possibility of a peaceful transfer was destroyed by the government's actions. Most of the terrified asylum seekers had no clear idea what was going on as they scrambled for cover from the tear gas. They thought that they were being taken to the airport in order to be forcibly returned to Vietnam.

In the resulting mayhem, 557 canisters of tear gas were used by the security forces in a day-long action to clear the section. Men, women and children were beaten by government officials, several Vietnamese were burned when mace and pepper gas was sprayed directly in

their faces as they attempted to shield themselves from the tear gas. A six year-old girl will require skin grafts on her legs for her wounds. In the end, over 250 persons were injured and over 70 reports of police brutality have so far been filed.

Refugees International has also learned that few injuries were initially reported because prison officials would not allow people transferred to High Island to go to the clinic for treatment of injuries during the first day after the action. As of April 15, one week after the incident, at least 100 people were still on the waiting list for medical attention at High Island. This inhumane treatment of asylum seekers by the Hong Kong government is unacceptable.

This incident also calls into serious question UNHCR's protection role in Hong Kong. Only one UNHCR official was allowed to observe the transfer from a hilltop overlooking the camp. The UNHCR Chief of Mission in Hong Kong was quoted in the local papers as stating that the Vietnamese should have expected such treatment if they did not end their hunger strike and other forms of nonviolent protest. UNHCR's failure to issue a public statement expressing concern over the incident has the Vietnamese believing that UNHCR sponsored the operation. By blaming the asylum seekers instead of working to protect them, UNHCR has taken an unacceptable position. Already, several UNHCR staff members have resigned in protest.

So far, nothing has been heard from the U.S. government in response to this incident. The U.S. government should strongly condemn the actions of the Security Branch of the Hong Kong government on April 7 and insist on a thorough investigation of the incident by the Hong Kong government and UNHCR, whose findings should be made public. The complete findings of Hong Kong's inquiry into the 1992 tragedy at Sek Kong camp in which 24 people died have never been publicly released. The limited inquiry ordered by the Hong Kong government lacks even basic investigative powers, such as the capacity to compel witnesses to testify.

There is the clear and present danger of more such attacks by Hong Kong security personnel and the threat that boat people -- seeing no other options for themselves -- will respond with violence and with suicides; already a number of Vietnamese asylum seekers in Hong Kong have taken their own lives.

Of the countries of asylum in the region, only Hong Kong is forcing back Vietnamese refugees, but there is a risk that the practice will spread to other countries. We must avoid the looming prospect of a disorderly, violent, inhumane finale for this distinguished humanitarian program.

Meanwhile, effective efforts at encouraging voluntary repatriation are virtually non-existent. Available and valuable information, such as monitoring reports from Vietnam which describe conditions there for former asylum seekers, are not shared in the camps. It is not surprising that more Vietnamese have not volunteered to return to Vietnam given the fact that Hong Kong authorities continue to force back the screened-out and more information about

conditions in Vietnam is not made available.

Clearly, what is needed is a delicate and multi-faceted approach maximizing voluntary return (versus forced return) and permitting the resettlement of a small number of asylum seekers with claim to political refugee status, without giving rise to the widespread perception that many asylum seekers will have this option.

We have several recommendations:

1) Maximize voluntary repatriation

To persuade the majority of asylum seekers to go back to Vietnam, new methods must be devised. The UNHCR mass information approach is not sufficient. The improved situation in Vietnam -- particularly now in the wake of the lifting of the U.S. trade embargo -- is an important potential inducement for voluntary repatriation. UNHCR monitoring reports should be shared with the camp population. Repatriates who have already returned to Vietnam should be brought back to the camps to describe the changes in Vietnam. In addition, camp leaders should be offered a chance to return to survey the situation in Vietnam; *Refugees International* is prepared to accompany such individuals, if that would be helpful. There may also be economic incentives such as more creative business loan packages for returnees.

Properly nurtured, voluntary repatriation should pick up steam slowly and steadily. On the other hand, forced repatriation will not work very well and will lead to violence. It is important to recognize that UNHCR does not accept responsibility for forcing back asylum seekers. Down the line, there will be serious humanitarian and political problems, with countries of asylum cutting their own deals with Vietnam to force people back without UNHCR protection. It is certainly not desirable for indigenous security forces in first asylum countries of the region to undertake the task of forcing boat people home on an ad hoc basis and without safeguards. There will be riots, serious injuries and deaths, as the Hong Kong experience demonstrates.

This is not a worthy ending for an effort on which the U.S. has led the way for many years. This would be a humanitarian and political disaster for which the United States would bear major responsibility, but U.S. leadership now can make a decisive and pivotal difference.

2) Wrongly screened-out

The asylum seekers most determined not to return to Vietnam are those whose prior record gives rise to a fear of persecution should they return to Vietnam. There is a relatively small number of such cases, which should be quietly overturned, without giving rise to unwarranted expectations in the general population. There are a number of possible subtle ways

to deal with this issue without triggering misperceptions among the general camp populations.

Any judicial or quasi-judicial process will not be 100% infallible. Our deep hope is that among the screened-out, the relatively few cases facing persecution can be accommodated while making it absolutely clear that the vast majority of asylum seekers have no alternative but to go home voluntarily.

3) Immigrant visa eligible asylum seekers

Some months ago, the State Department arbitrarily reversed existing practice by refusing to accept applications from asylum seekers in Hong Kong eligible for immigrant visas. The legality of this cut-off is now being tested in the U.S. courts.

What is mystifying is why the State Department's Refugee Programs Bureau took this initiative, apparently without the full knowledge of the Bureau of Consular Affairs. As there has not been a flow of new arrivals to Hong Kong (and thus no fear of a so-called "pull factor"), there was no clear rationale for denying access to visa applicants, many of whom had spouses in the U.S. Even now that the Department has reinstated the earlier policy and agreed that the applicants can present themselves at the U.S. Consulate General in Hong Kong, procedural hurdles have been placed in the way.

We would suggest that you ask the State Department if elsewhere in the region immigrant visa eligible Indochinese refugees are being denied access to consular officials, including highland and lowland Lao in Ban Napho camp.

HMONG REFUGEES IN THAILAND:

In the Indochina war, the U.S. had no more staunch partner than the Hmong. In Laos, where no U.S. military ground forces were stationed, the Hmong served as surrogates for American troops in fighting off the North Vietnamese army. They rescued American pilots; they took casualties proportionally ten times greater than our armed forces in Vietnam; the males of two generations were decimated. No ally fought more faithfully or paid a higher price. Their fate should be of extreme concern to the U.S. government.

There remain more than 30,000 Hmong refugees from Laos in Thailand. There are some 22,000 in the camps -- most are screened in and eligible for resettlement in the U.S., although some have been screened out as non-refugees. About 10,000 Hmong are living illegally in Thailand and under increasing pressure to turn themselves in to the refugee camps.

Only a small proportion of Hmong wish to resettle at this time. Some of these have been screened out, despite past association with the U.S. war effort. UNHCR and Thailand have not established a credible appeal process nor adequately advised the Hmong of their rights. The

State Department should be pressing for a review of these compelling cases, but instead continues to ignore calls to do so. Hmong with ties to the U.S. should be permitted a fair opportunity to appeal their cases.

Many of the Hmong still in Thailand -- both the screened-in and the screened-out -- would like to return to Laos when political and economic conditions there permit. We should give time for events in Laos to evolve favorably to permit Hmong the confidence to volunteer to go back to Laos.

Astonishingly, the U.S. has reportedly recently considered a resettlement cut-off for the Hmong. Appropriately, such a cut-off is said to have been resisted by the Thai government. We concur that setting an early deadline might only serve to push people toward resettlement who in a few years could return to Laos.

Given the history of the Hmong association with the U.S. before 1975 and the active resistance over the intervening years, Hmong returnees face a far more difficult time reintegrating in Laos than returnees face in Vietnam. Hmong repatriates live in marginal conditions and the Lao government has been reluctant to permit more than minimal assistance. Not surprisingly, there have been no successful pilot reintegration projects for the Hmong, and most of those who have returned are having trouble achieving self-sufficiency.

Furthermore, there are apprehensions about the political receptivity of the Lao government toward the return of Hmong refugees. The disappearance of former Hmong refugee camp leader Vue Mai last September has understandably discouraged voluntary repatriation. Just nine months after returning to Laos, Vue Mai was lured away from his home in Vientiane and has not been seen since.

Vue Mai, a colonel in the U.S.-led war effort in Laos prior to 1975, fled to Thailand upon the collapse of the government. In 1991, with the encouragement of the State Department, he came to Washington to support voluntary repatriation to Laos. In December of 1992, Vue Mai returned to Laos to show that safe repatriation was possible. Since his return, he had been engaged in efforts to secure land for a repatriation project which would involve hundreds of Vue clan members now in Ban Napho camp in northeast Thailand.

We are concerned that maximum steps be taken by the Lao government to investigate Vue Mai's disappearance. This is critical to re-establish credibility for the voluntary repatriation process to Laos.

We are aware that the matter has been raised by the U.S. Ambassador in Vientiane on several occasions, to no effect. Vue Mai's son, a U.S. citizen living in California, received no answer from the Lao embassy in Bangkok to his request for a tourist visa when he went to Thailand several months ago seeking to learn the truth behind his father's disappearance, in spite

of intercession on his behalf by the U.S. embassy in Bangkok. The time is overdue for the Lao government to make public its efforts to find Vue Mai and for the State Department to suggest other actions that could be helpful in discovering what has happened to him.

In light of the difficult situation in Laos, the absence of successful reintegration projects and the unanswered questions surrounding Vue Mai's disappearance, the U.S. should be reinforcing the Thai government's patient approach toward the Hmong.

The over-all objective of U.S. policy should be to give the Hmong in Thailand more time to choose freely between return to Laos and resettlement to the U.S. Pressing the Hmong to choose now will either result in unacceptable coercion to return to Laos or forced resettlement to the U.S. or other countries. As with the Vietnamese, to make this strategy work will require much more active leadership from the United States.

We have several recommendations:

- 1) The State Department should suspend any plans to cut-off the Hmong from access to U.S. resettlement. Keeping open the resettlement option will reassure the Thai that we will remain partners in supporting humane solutions for the Hmong refugees based on free choice.
- 2) The United States should press for improved monitoring of the Hmong in Ban Napho camp to ensure that no forced or coercive repatriation of asylum seekers occurs.
- 3) The United States should be working with the Thai and UNHCR authorities on the issue of Hmong who wish to resettle in the U.S. but cannot because they have been unfairly screened out as non-refugees. We should put in place a credible appeal system with written procedures clear to the Hmong; those with significant ties to the U.S., such as prior service in the U.S.-paid army, should not be screened out.
- 4) UNHCR and the United States should work creatively to develop pilot reintegration projects in Laos that will encourage Hmong to return. Successful projects would be an inducement to voluntary repatriation and signal that the Lao government is more comfortable with the concept of refugee return.
- 5) UNHCR and the United States should increase their monitoring staff in Laos, who should have unimpeded access to Hmong returnees in the countryside.
- 6) The United States should formally request that the Lao government publicly report on its investigation of Vue Mai's disappearance. Until Vue Mai is accounted for, there will be diminished interest in repatriation on the part of the Hmong refugees in Thailand.

If the above elements are put in place, free choice will be preserved for the Hmong, with some continuing to come to the U.S. while most may choose to voluntarily return to Laos over time under improved conditions.

Given that they were our most trusted ally in the war in Laos, the Hmong deserve active, continuing help from the U.S., not apathy.

I would like to call the attention of the Subcommittee to the recent lengthy article in the *Philadelphia Inquirer* by Marc Kaufman and ask that it be entered into the record. The article recaps the valiant role of the Hmong during the war, their subsequent plight as refugees in Thailand, and portrays a troubling lack of concern on the part of U.S. refugee officials at the embassy in Bangkok.

It is our fervent hope that the State Department can recapture the sense of commitment and service to our staunch allies that once characterized the U.S. refugee program.

As we keep repeating, the key is U.S. leadership.

CAMBODIAN REFUGEES:

Only last year, all of the Cambodian refugees along the Thai border returned home. Late last month, however, the Cambodian government offensive against Pailin drove an estimated 25,000-30,000 Cambodians to the Thai border. One week later, the group -- comprised mostly of women, children, and the elderly -- was pushed back to a highly malarial and mine-infested jungle inside Cambodia by the Thai military.

Since then, the Cambodian refugees have been virtually abandoned by the international community. Initial protests by UNHCR, the U.S. and others have not been followed up with effective action. For some time, *Refugees International* has been pressing governments and international organizations for news about this group. There has been no information about the fate of the people pushed back and the effort to assess their situation on the ground is not moving forward.

What we do know is that the group is now trapped between the Thai border and the front lines of fighting between the Khmer Rouge and the Cambodian government. Aid from the Cambodian government cannot reach the group through the jungle and Khmer Rouge lines.

I am haunted by the memory of 1979 when generally healthy refugees abandoned in this same isolated area deteriorated into walking skeletons in a matter of weeks, ravaged by malaria and malnutrition. No government or international official should be able to say that they do not understand what is at stake for this group. The world should be put on notice that these people will probably die unless prompt action is taken.

We need to assess the current situation of the group and, as probably required, initiate feeding across the Thai border to the refugees in Cambodia. The best organization to play this role is probably the International Committee of the Red Cross (ICRC).

U.S. leadership here can insure that we don't repeat the scenario of 1979. We should be using our influence with the governments of Thailand and Cambodia to channel assistance to the group. There is not much time to head off a humanitarian disaster.

Other Cambodians will also likely need cross-border assistance and procedures should be developed which eliminate the potentially tragic delay in the response to this group.

BURMESE REFUGEES:

Mr. Chairman, I would also like to take this opportunity to speak briefly to the situation of asylum seekers from Burma who are fleeing one of the world's most repressive regimes. Currently 250,000 refugees of Burma's Rohingya (Muslim) minority are in camps in Bangladesh. Over 74,000 refugees from the various ethnic groups line the Thai/Burma border and nearly 2,000 students who participated in the pro-democracy movement that was so brutally crushed in 1988 have sought refuge in Thailand.

We would hope that the U.S. would closely monitor these populations to ensure that they are not forced to return to their homeland prematurely, before their safety can be assured. We would ask our government to urge the UN Secretary General, using his mandate under the recent UN General Assembly resolution, to assign a Special Envoy to Burma in order to assist in conflict resolution, national reconciliation and the restoration of democracy.

* * * * *

The end-game for Indochinese refugees is important for the refugees and also for U.S. credibility. A program inspired from the outset by U.S. leadership should be concluded honorably.

U.S. leadership has been essential to Indochinese refugee policy since 1975. With U.S. leadership, protection for Indochinese refugees can continue in the final stages; without U.S. leadership, former close associates will be left stranded and face premature forcible return to Vietnam and Laos.

The U.S. and international response to the Indochinese refugees can still be something of a model, if we become engaged effectively. After 19 years of leadership on this issue, we should not rest until the remaining refugees have volunteered to go home and the small number with close ties to the U.S. given refuge here.

Mr. Chairman, at a time when U.S. credibility is in doubt around the world from Bosnia to Somalia, surely this Administration, this country, should not be found wanting when it comes to unfinished humanitarian business in Southeast Asia.

With commitment and leadership, we can close out the Indochinese refugee program well and honorably. But there is little time left for the U.S. to stave off a disastrous ending to a humanitarian enterprise that has been a beacon of honor.

CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON ASIA AND THE PACIFIC

TESTIMONY OF WILLIAM E. COLBY

April 26, 1994

Mr. Chairman, it is an honor for me to be able to inform you of the heroic and effective contribution the Hmong People made to our war effort in South East Asia from 1962 to 1975. To the present generation of our officials, this must seem to be distant history, and somewhat sullied by the negative views of the Vietnam War which have become the common opinion of that effort, portrayed in fiction, film and other media. But I speak as one who engaged in it as a servant of our government at the time, fully supported by the Congress at the time, to say that the Hmong contribution was substantial and at great sacrifice. Many of the Hmong who bore the burden of that effort did so in hopes of a better life for their families and children, only to see them flee their homes in fear of their enemies to become dependent refugees in foreign lands, now facing the prospect of being forcibly returned to the rule of those from whom they fled for good reason. They deserve our full consideration as they appeal against this fate.

The story which led to their present plight began in the

confused aftermath of World War II in Southeast Asia. Two dominant powers contested in the area for control. France tried to reestablish the colonial empire it had won in the previous century but had lost to Japanese power. The other was Vietnamese nationalism and Communism, which insisted on replacing French rule by its own. The French cause eventually collapsed against the challenge of Vietnamese independence and the effective strategy of the "peoples war" its Communist leaders developed.

Beneath the struggle between the French and the Vietnamese, other inhabitants of the Indochinese peninsula contested for their own independence or autonomy. Cambodia and Laos, as well as South Vietnam, insisted on their own identity and nationality, and the tribal elements of Laos and North and South Vietnam asserted their own existence against the domination of the Vietnamese who replaced the French overlords. The French even helped them to do so, as a counter to the power of the Vietnamese they were fighting.

During this process, a number of leaders came into prominence in Laos. Some were Lao, trying to assert Lao national interests against the Vietnamese effort to impose their power upon them. And some were representatives of the tribal peoples who had long contended for their own identity, and the political autonomy which could manifest it. They may have been temporarily in alliance with the colonialist French, but they hoped for more autonomy and independence from them than they were sure they would receive from the totalitarian Communists they faced.

In the late 1950's, the United States joined in the struggle.

It had decided not to assist the French in retaining their empire, so that it did not engage in the First Indochina War which ended with the French defeat at Dien Bien Phu in 1954. But in accordance with its concern to stop the spread of Communism in Asia, it began to assist the non-Communist nations of Southeast Asia. As the threat arose in Laos, it sent its Special Forces teams to help the Royal Lao Army and the tribal communities of Laos to build their defenses against the North Vietnamese and their Communist Pathet Lao allies. It also turned to the Central Intelligence Agency, to see how it might provide aid and support outside formal governmental channels to tribal and other groups who wished to keep themselves free of Communist and North Vietnamese domination.

President John Kennedy in 1961 foresaw Laos as a point of major challenge between the Communist powers, especially the Soviet Union, and the United States and the free world. Nikita Khrushchev had just enunciated his doctrine that the Soviet Union would support "wars of national liberation" against the West throughout the Third World and, indeed, Soviet Air Force planes were flying resupply missions to the Communist forces in the mountains of Northern Laos. Kennedy went on television to highlight the danger of Communist expansion in Southeast Asia. And in Laos a series of contests took place between the pro-Communist Pathet Lao, the pro-Western Royal Lao government and its supporters in the Lao military and civilian elite, and a "neutralist" faction which desired to be independent of either group.

But - and it was a big but - Laos was a difficult place to

have a confrontation between the U.S. and the U.S.S.R. The territory is difficult for ordinary military forces, and the logistics lines on both sides would be entirely too long. In addition, the U.S.S.R. was beginning its antagonistic relationship with Mao's China, which would complicate any effort it might mount in Laos. As a result, at their Vienna meeting in 1961, at which Khrushchev tried to intimidate the young American President by bluster over Berlin, the two essentially agreed to conduct their confrontation elsewhere, and to put Laos aside. A number of months later, this agreement became formal in the Geneva Accords of 1962.

The fifteen nations which signed the Accords agreed that Laos should become "neutral and independent". They agreed to withdraw their "military and paramilitary" forces from the country. And most of them did, the Soviet Air Force returning to the Soviet Union and the American Special Forces and CIA personnel engaged in paramilitary support leaving the country. Only one nation did not comply with the agreement it had signed: North Vietnam. Its two divisions in Northern Laos totalled some 7,000 men - It reported to the International Control Commission that it had withdrawn 40, and that there were no others. In a matter of weeks, these remaining troops resumed their previous work, asserting control over the Plain of Jars and the roads leading to it from North Vietnam and opening the way to Vientiane.

They had one major obstacle. The Hmong people had settled in this area, after their many century migration from central China. And it was clear to them that North Vietnamese rule over their

region would totally suppress their identity and their hopes for the future. The regular soldiers of the North Vietnamese Army thought that the Hmong mountain tribesmen would not be difficult to control, so they continued their program to occupy and rule the region.

President Kennedy had a problem. He had agreed with Khrushchev to remove all American military and paramilitary forces from Laos, and he wanted both nations to respect that agreement. But he could not afford to allow the North Vietnamese flagrantly to violate their equal agreement, which could have dire consequences for the situation in Vietnam, the area in which the confrontation with Communism was becoming acute. He decided that he would abide by the agreement and keep United States forces out of Laos, but that he could provide covert support to the Lao and tribal forces fighting to protect their homeland from North Vietnamese aggression. If this support could be kept secret, it could counter the plans of the North Vietnamese but not arouse the opposition of the Soviet Union and the other signers of the Geneva Accords.

To provide such covert support, Kennedy turned to the CIA, as the only U.S. government body which could do so secretly. He did this despite his bad experience with the CIA in the Bay of Pigs, and the conclusion of the review committee he commissioned after it to examine its failures. One conclusion of that review committee was that if a paramilitary operation became large, it should be turned over to the Pentagon to manage, and taken from

the CIA. But in Laos, that could not be done if the operation was to remain covert, as it had to. And so the CIA was given the task.

Regular military units are accustomed to assuming command of the task they are faced with, and doing it themselves. But the CIA's paramilitary function is to support brave people fighting for their beliefs, generally as irregulars or partisans. The first rule of the relationship the CIA maintains is that the local community must have its own leaders, and that the CIA role is to work with them and support them, not to seek to replace them. It can advance its ideas to them, can condition its assistance on satisfactory or proper performance, and even look for other leaders if those it starts to work with prove unsatisfactory. But the one thing it cannot do is to replace local leaders with foreigners (Americans), since it knows that this will end the appeal that the local leaders have to the population at large.

CIA had another different approach from the U.S. military. Since its operations generally must remain secret, its officers deliberately keep a low profile and do not seize the limelight or lead the battles which will be fought. It is strongly conscious of the need for its officers to avoid capture, which could reveal its role to the enemy. This also leads it to stress small unit actions and simple weaponry, counting on wearing down an enemy rather than defeating him outright. Its fundamental strategy is defensive and political, rallying a population to defend itself rather than attacking a foreign target (although its guerrilla operations are often offensive in their tactical dimension -

ambushes, sabotage, etc.). It assumes the defensive only when no other approach can keep the enemy from a vital target, large communities, important bases, etc.

These CIA approaches fitted perfectly with the needs and desires of the Hmong community in Laos. Faced with North Vietnamese aggression, the Hmong wanted to wear down those forces so that the Hmong people might continue to live peacefully and freely in their traditional region. They did not wish to see a new colonial power replace the French, or be dictated to by foreigners. It knew that the Royal Lao Army would be of little help, as it rarely moved into the mountains from the safety of the Mekong Valley, and if it did it could not defeat the Vietnamese but would probably only hurt the Hmong by its presence.

The Hmong had a well established identity and structure of traditional leaders, at the local level and for the community as a whole. But there was an additional class of younger leaders who had been formed and hardened in the struggle against the Vietnamese under the French. Among these was Vang Pao, who came from a leading Hmong family and had been trained as an officer by the French, rising to the rank of Major in the French-directed Lao Army. Vang Pao did not lose his Hmong identity in this process, however, and when CIA began its activities in the mountains he quickly came to its attention for his qualities of leadership and courage. He was exactly the sort of leader CIA hoped to find, who could inspire and lead his people, take full command and work well with CIA support. He and CIA began a working

relationship which would last many years and conduct one of the most successful operations CIA ever conducted.

Vang Pao's first objective was to build a guerrilla force and begin ambushes and other harassing operations against the North Vietnamese forces in Northwest Laos. He was helped by his enemy, as the North Vietnamese adopted a most conventional style of military action there, occupying the few towns and using the few main roads for their transport and communications. Curiously in the light of their pride in the "peoples war" tactics they had adopted against the French and were resuming against the South Vietnamese and the Americans in South Vietnam, they made little or no effort to develop local revolutionary and guerrilla forces. Since they were the foreigners in the region, of course, this would have been most difficult in the face of the firm Hmong loyalties to their own communities, which Vang Pao carefully encouraged.

The nature of the Hmong region, with its high mountains and few routes of communication, posed special problems to Vang Pao in building his forces and operating them, and this is where CIA provided its most important help to him. In order to transport people, weapons and equipment, CIA turned to the air transport capability it had built over the years, Air America. Ostensibly a private air company, not a part of the United States Air Force, its activities could be kept secret while it maintained a "cover" of providing contract air services for various clients. Its small planes and helicopters could land at mountain top villages to leave or pick up patrols and raiding parties. Its larger planes could

parachute weapons and equipment or simply drop bags of rice and other foods to troops on operations or to the local villagers they depended upon. For communications, CIA supplied a network of radios and trained Hmong operators to use them. And for the brave Hmong who would seek out the enemy, CIA furnished weapons suited to their missions and the training to make them proficient in using them. For the strategic direction of the effort, CIA officers would consult with Vang Pao and his officers and offer such suggestions as they could, but it was clearly understood by both sides that decisions would be made by Vang Pao, not the Americans.

Other American agencies also provided necessary help to the Hmong. The Agency for International Development (USAID) built medical facilities and supplied food and other forms of direct help to Hmong refugees, sick or wounded from North Vietnamese attacks. The American Embassy under a series of strong American Ambassadors exerted firm control over all American activities, including the CIA's, to ensure that they followed the policy set by the President.

With the Geneva Accords of 1962, the American assistance program for the Hmong effort was shut down, in compliance with its provisions that all outside nations would remove their "military and paramilitary" personnel. The CIA officers in the mountains left and the supplies of weapons and fighting equipment stopped. CIA was permitted to leave two officers to live secretly with Vang Pao to report what was happening in the region, but they were under strict orders to avoid any paramilitary activity.

As noted above, it did not take long for the North Vietnamese to violate the Accords. The two CIA officers passed along to Washington the reports they received from villages being attacked and occupied by the 7,000 North Vietnamese troops who had not been reported to the International Control Commission. Washington then authorized CIA to supply secretly the weapons and ammunition the Hmong needed to protect themselves, but insisted that only the minimum amount needed be given and that it be used only for defensive purposes, not aggressive operations. Each Air America flight into the region had to be specifically approved by Washington policy makers. But the Hmong defenders did their job well, and the North Vietnamese learned that they had to escalate their efforts or be stopped. They did so, increasing their troops in Northern Laos and continuing to attack Hmong communities to spread their control. And as their intentions and purposes became clearer, Washington recognized that a real war was developing, in which the North Vietnamese would have to be stopped by the Hmong with secret CIA help. CIA correspondingly built its capabilities to assist with more Air America aircraft, additional logistics and training bases and larger budgets to support the necessary expenses of the troops and their families. From the Hmong experience, CIA was able to organize similar efforts by other tribal groups in Laos, and provide them the sort of assistance it was providing the Hmong.

But clearly the Hmong bore the brunt of the effort, since they were most directly in the path the North Vietnamese wanted to use

to conquer Laos. The battles in the region raged over the region and over the years. On some occasions the North Vietnamese forced whole Hmong communities to evacuate their homes and flee as refugees. But on others the Hmong achieved victories against their enemy, ambushing his trucks and attacking his patrols, squeezing him back into the town centers and protecting the people from his power. The greatest Hmong victory occurred in 1969, when Hmong forces soundly defeated a North Vietnamese effort to occupy the Plain of Jars, drove them out and captured a huge quantity of the war material the North Vietnamese had brought there to build a base to move towards Vientiane. And the Hmong forces contributed directly to the war efforts of their American ally in Southeast Asia, placing and protecting navigation stations in the mountains to guide the high flying American planes on their way to North Vietnam and rescuing and returning pilots and air crews shot down in these wild regions.

The principal role in this immense effort was played by the Hmong. The American CIA function remained to the end one of support and assistance, but its people never numbered more than 300-400, when the Hmong forces rose to 30-40,000. Its personnel were prohibited from engaging in combat, and their advice was just that: advice, for Vang Pao and his officers to consider when they made the decisions.

During this long struggle, Vang Pao never lost his conviction that he had to work with the Royal Lao Government led by former neutralist Prince Souvanna Phouma. The North Vietnamese convinced

the Prince that he could not rely on them or do anything but resist their efforts to conquer his country. The Americans, with the CIA operating quietly but effectively, convinced him that they would assist his legitimate government to defend itself, but would not impose an unwanted rule over him. And even with the close personal relationship many CIA officers established with the Hmong, and the contrast they saw between the effectiveness of the Hmong and the weakness and corruption of the Mekong Valley Lao, they and Vang Pao held closely to the principle that the Hmong would not seek independence or autonomy, but would remain loyal to the Lao nation. A radio station was organized to broadcast to the Hmong and other tribal elements bearing the brunt of the battles in their isolated mountain redoubts, but the message of the station was in its name: The Union of the Lao Races. The experience contrasted with the experience of the U.S. military in South Vietnam, where their sympathy and enthusiasm for the tribal people turned to disdain for the Vietnamese, and sparked a revolt by the tribal people against the South Vietnamese government, dividing the anti-Communists when they should have been united. In Laos, in contrast, Vang Pao arranged a ceremonial visit by the King of Laos to the Hmong region and its headquarters, and in turn was named a Major General in the Royal Lao Army, the only tribal person to receive such a rank.

A measure of the heroism and effectiveness of the Hmong struggle can be seen in the fact that the North Vietnamese forces arrayed against them increased over the years from the original

7,000 to 70,000, including several of North Vietnam's best divisions. The battle became increasingly conventional, with the addition of artillery, the integration of air power with the ground operations (using both the Royal Lao Air Force and the United States Air Force, and benefitting at a later stage by small spotter planes for target selection manned by Hmong pilots), and assistance from a number of volunteers recruited from the Royal Thai Army. But despite the increasing intensity of the opposition it faced, and the continuing absence of the Royal Lao Army from the mountains in which the struggle raged, the Hmong forces for ten years held the growing North Vietnamese forces to approximately the same battle lines they occupied in 1962. And significantly for Americans, the 70,000 North Vietnamese engaged in Laos were not available to add to the forces fighting Americans and South Vietnamese in South Vietnam.

As noted above, the charge has been made that the CIA, Air America and even Vang Pao were engaged in shipping drugs out of the mountains to the American forces in Vietnam. This is false. It is well known that opium has long been grown in the area and shipped from it and the remainder of the "Golden Triangle" of parts of Laos, Burma and Thailand. But Vang Pao and the CIA set firm rules against the Hmong with whom they worked from engaging in this trade, and Air America had clear regulations that no drugs whatsoever were to be carried on Air America aircraft. The same cannot be said of some of the Lao generals in the Mekong Valley, and several of them were well known to have been in the trade.

Vang Pao, the CIA and some of the other American agencies such as USAID even started several projects of introducing new crops and a strain of Brahma cattle to provide the Hmong with an alternative source of livelihood from the former cultivation of opium. The supply was undoubtedly not stopped entirely, but Vang Pao and the CIA certainly did all they could to reduce it, not profit from it.

In 1973, peace came to Laos - for a short time. As an aspect of the peace agreement which had been worked out to end the fighting in South Vietnam, the various nations involved in the Lao struggle agreed to almost the same terms they had agreed in 1962, that all would recognize Laos as "neutral and independent" and that all foreign "military and paramilitary" forces would be withdrawn. As in 1962, the United States fully complied with the agreement, and the CIA removed its people, its bases and its operations from the nation. And once again the North Vietnamese did not. But this time, when the North Vietnamese resumed their aggression in the high mountains, the CIA and the Americans were no longer permitted to help. The result was the streams of refugees who left their tribal homelands in the mountains and fled to Thailand. Some still remain there, and some have moved further on to America and other lands of refuge, where they have faced the difficulties of adjusting their primitive and simple life styles to modern individualistic and technologically complex societies.

The Hmong struggle from 1962 to 1973 can be compared with another example of CIA covert support of a mountain people fighting a foreign oppressor - Afghanistan. There the result was the defeat

of the foreign aggressor, and a major contribution to a sea change in Soviet policy and the end of the Cold War. The fighting in the high mountains of Laos came to a different result, of course, but it should in no way lessen our consideration for those who bore the burden of the battle - and defeat.

The story of the Hmong can be looked at as a tragedy in the end, since the North Vietnamese finally conquered the region, and in effect, Laos as a whole. But it can be also seen as an inspiring story of courage and skill by a brave mountain people determined to fight for their freedom from an outside invader, who developed a unique relationship of trust and affection with faraway Americans. While the Hmong had their own motives to protect their homeland, it is clear that they contributed directly to the struggle against Communist victory in Southeast Asia as a whole, an important objective of American policy at the time. The Hmong who fought that fight - and their families - deserve our appreciation and our continued loyalty as they face the aftermath of that joint struggle.

Mr. Colby was CIA's station chief in Saigon from 1959 to 1962, chief of its Far East Division from 1963 to 1968, Deputy to the Commander United States Military Assistance Command Vietnam from 1968 to 1971 and Director of the CIA from 1973 to 1976.

Mr. Chairman, members of the Committee:

My name is Connie Woodberry. I am one of the headquarters' directors of the Consortium and in that role have recently returned from the Lao Peoples Democratic Republic where I was able to personally visit with hilltribe repatriates. The Consortium is a collaboration of three long-established US NGOs: Save the Children/US, World Education, and World Learning, each of which has implemented education and development programs around the world for more than 60 years.

The Consortium was formed in response to the needs of the Indochinese refugees. During its fourteen years of operation in Southeast Asia, the Consortium has provided services to more than 200,000 refugees, initially in the form of training for U.S. resettlement and in the last two years through repatriation related projects in Vietnam, Cambodia, and the Lao PDR. Our Phanat Nikhom, Thailand program continues to train nearly all the Hmong and other hilltribe refugees coming to the U.S. The training includes English language, American cultural orientation, pre-employment skills, and, for youth, Preparation for American secondary schools. The Consortium is serving hilltribe refugees once the individual has made a decision regarding his/her option to choose either resettlement to the U.S. or repatriation to the Lao PDR.

Since 1992, with UNHCR funding, the Consortium, has, with four Lao speaking expatriate staff, assisted repatriation to the Lao PDR of more than 1400 hilltribe Lao in Luang Prabang and Sayaboury provinces with an expected additional 1500 Hmong to be repatriated in the coming year. We strongly believe the work we are doing in the Lao PDR is very important both in assisting the hilltribe repatriates as well as maintaining an

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NGO presence in the Lao PDR.

Our interest in accepting the invitation to speak before the Committee is to share our experience and the facts as we know them from our almost two years of work with hilltribe repatriation in Laos. In addition to describing the relevance of our activities to the concerns of the committee, we would like to make three points:

First, we are aware of the concern over what has happened to Mr. Vue Mai. However, in the last two years, we have never seen or heard of any harmful or discriminating acts against the repatriates with whom we have worked. We see no advantage to the Lao PDR to have been involved in whatever has transpired with Mr. Vue Mai, since it would only serve to negate the efforts which have been made thus far in support of repatriation. Further, we know from our staff in Laos that the nearly 1000 Hilltribe who live in Thoulakhom, which is very close to where Mr. Vue Mai lived, have all stayed, not feeling any lack of personal security due to Mr. Vue Mai's disappearance.

Second, the U.S. policy of supporting the choice of repatriation or resettlement is constructive since it recognizes the political, economic, and human complexities involved in the ultimate resolution of the Indochinese refugee situation. The Consortium works both in repatriation and in the training of refugees for resettlement. Both avenues need to remain as options with accurate information, based on facts, available to those individuals making choices. One must not confuse implementation difficulties in the screening of cases in Thailand with the validity of the overall policy.

Third, from our observations, the factors which influence the choices of individuals vary but include:

- a. perceived economic and welfare advantages in the U.S., which most recently are negatively impacting on the resettlement choice;

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- b. limitation of choice due to the policy of not splitting families, which primarily limits the choice for women since, if the husband does not pass the drug test, or decides he does not want to resettle, they are no longer eligible for resettlement and are left with the repatriation option;
- c. fear on the part of parents and youth that youth will not succeed in the U.S.;
- d. perceived difficulties with life in the Lao PDR which, based on our experience, is no different from other Lao citizens in similar areas.

The main goal of the repatriation program is to ensure that Lao citizens currently in refugee camps in other countries make a smooth transition back into Lao society and are able to achieve food security and economic integration in the shortest possible time.

Project related field activities have always involved the full participation of the repatriating settlers and the residents of contiguous communities.

The Consortium's mandate has been to support the development of all aspects of a new community which will ensure that basic human needs are met as well as ensure that the community will be self-sustaining in the future.

Finally, I would like to quote from one of our field office reports on intensive interviews with repatriate women at group resettlements.

"The repatriate women feel happy to be back in Laos. In all the villages they said that, although in many ways their lives in Laos are more challenging than they were in the refugee camps, they are very happy to be living in a village, with their own homes, land, and freedom. The women said that they have no desire to return to Thailand and would

prefer a more challenging life here than a life of confinement there. All of the women felt that they are facing a serious shortage of land for cultivation and raising animals. This remains their biggest concern for the future."

In summary we know of no action on the part of the Lao PDR intended to discriminate against hilltribe repatriates. From our reports we know that during malaria outbreaks repatriates and the local population were served equally by government health clinics. From our staff reports we have heard no instances where repatriate children are not included equally, as government schools are established for repatriate and local communities. U.S. policy of supporting individual choice of repatriation or resettlement is sound as is the decision to support programs in Thailand and the Lao PDR to accomplish these policy goals.

Thank you Mr. Chairman and members of the Committee.

TESTIMONY
on
REPATRIATION OF
HMONG REFUGEES FROM
THAILAND TO LAOS

by Dr. Jane Hamilton-Merritt

before

The House of Representatives
Foreign Affairs Committee
Subcommittee on Asian and Pacific Affairs

Rayburn House Building
Room 2172
on
April 26, 1994

Mr. Chairman and Members of this Subcommittee, thank you for holding these Hearings.

Allow me to introduce myself briefly. I am a writer, historian, and journalist who covered the Vietnam War in the 1960s. I also reported from Laos--the secret war in the critical Lao theatre of the Vietnam War. I am also the author of a book published recently by Indiana University Press entitled "Tragic Mountains: The Hmong, The Americans, and the Secret Wars for Laos, 1942-1992." This book reflects 14 years of my research and writing. It is the story of how the Hmong people, a distinctive ethnic minority in Laos, fought first with the French against the Japanese and the Viet Minh, and then with the Americans against the North Vietnamese and Pathet Lao communists.

I want to emphasize that I am not an employee of a Non-Government Organization receiving money for Hmong refugee resettlement work, nor am I a lobbyist--paid or unpaid--for the current government of Laos, nor am I associated with any organization attempting to do business in Laos.

I have worked among the Hmong living in the U.S., France, and Asia for many years. I think that it is important to focus on some aspects of the character and values of these people whose history is thousands of years old.

Hmong traditional society emphasizes the importance of the family--which is understood not as a nuclear family but what we would call an extended family -- and the clan. Hmong society is organized around the clan, with clan leaders making major decisions after much consultation.

In Hmong culture, honor and truthfulness are highly revered traits. In Hmong culture, if one lies, one can lose face for a lifetime. Losing face results in being unable to obtain a "good" spouse, never being invited to homes or celebrations, and being ignored in clan decision-making.

The current position in some circles to treat Hmong reports of coerced repatriation and persecution and abuses by the Lao People's Democratic Republic, the "LPDR," as "lies," but to believe the denials of abuses as "truth" is

untenable, illogical, and sanctions continuation of abuses. So far, there have been no penalties by the U.S. against the LPDR for its human rights violations nor for its persecution of its Hmong minority returnees.

I might also add that the charges of Hmong untruthfulness and observational unreliability seems somewhat ironic since for 13 years the U.S. relied on their accurate, critical observations and intelligence gathering in conducting the Lao phase of the military operations during the Vietnam War.

Mr. Chairman, a great irony here is that the Hmong, whom the U.S. counted on for years as its truthful and reliable observers, now report that they are being forcibly repatriated to this dark and ruthless regime, providing significant and credible documentation to substantiate their experiences. Yet some U.S. officials in the U.S. Department of State incredibly have concluded over the past several years that the victims--the Hmong--are lying about coerced repatriation, abuses, and persecution against Hmong returnees in Laos AND that the abusers are telling the truth.

In October 1991 I testified before the House Subcommittee on International Law, Immigration, and Refugees. At that time, I warned Congress that voluntary or involuntary repatriation of Hmong political refugees and asylum seekers under the Tripartite Agreement (signed by the U.N. and the Governments of Thailand and Laos) from Thailand to the Lao People's Democratic Republic was plagued with problems. At that time--two and one-half years ago--I strongly recommended a moratorium on Hmong repatriation to Laos and an independent and objective investigation into the rightness of such a policy.

A continuance of this ill-conceived and inadequately administered repatriation policy calls into question the Clinton Administration's avowed commitment to "reinforcing democracy and protecting human rights [as] a pillar of our foreign policy."

The present U.S.-supported policy of coerced Hmong repatriation is also in stark contrast to the Administration's human rights policy toward China. This duplicity in a neighboring country cannot have gone unnoticed by China. The question is: did the U.S. notice?

HUMAN RIGHTS IN LAOS

It's not as if the Department of State did not know what was going on in Laos. I refer to the State Department's current Country Report on Human Rights Practices.

This report is damning. It concludes that the ruling Lao communist party restricts freedom of speech, press, and assembly, denies the rights of privacy and of citizens to change their government, and monitors international mail and phone calls, Lao society, and foreigners. Arrests are made on unsupported charges: accusers' identities are withheld. Trials are not public. Prisoners--many political prisoners--labor for both state and private enterprises. Human rights groups are now allowed. There is no freedom to travel without government permission. Suggesting a multi-party political system brings long imprisonment. Importantly for the Hmong, minority tribes have virtually no voice in decisions affecting their lands.

I quote from this report.

- * "The Lao People's Democratic Republic (LPDR) is a Communist one-party state."
- * "The Ministry of the Interior (MOI) remains the main instrument of state control. MOI police monitor Lao society and foreign nationals in Laos, and the LPRP (Lao People's Revolutionary Party) uses informants in workplaces and residential communities."
- * "Freedom of speech, assembly, and religion are restricted. . ."
- * Academic freedom remains tightly controlled. Laos academicians are sometimes denied permission to travel abroad for conferences or training. The Government also restricts and monitors the activities of Western scholars doing research in Laos.
- * "Those accused of hostility to the regime are subject to arrest and confinement for long periods of time. Three former government (LPDR) officials continued to serve their 14-year sentences for advocating

a multiparty system and criticizing restrictions on political liberties."

- * "People may be arrested on unsupported accusations and without being informed of the charges or of the accusers' identities."
- * "In 1992, the MOI began making late-night inspections of households to insure that all those in the house were registered with the police."
- * "The Government also began reinstating worker's committees among Lao employees of embassies and international organizations [which undoubtedly includes the NGOs and UNHCR that are tasked to monitor returnees]."
- * "Under the new land decree, the "national community" owns all land. Private "ownership" is in the form of land use certificates."
- * ". . . monitoring of international mail and telephone calls continues."

Here I will read to you from a letter dated April 3, 1994, written by a Hmong man interviewed by Marc Kaufman, which appeared in his Philadelphia Inquirer article "Casualties of Peace" on February 27, 1994, about Hmong repatriation. This Hmong wrote to his uncle in the U.S. as follows:

"I would like to inform you that on March 30, 1994, the article by Mr. Marc Kaufman arrived at P.O. Box. . . , Vientiane, Laos. . . . He [Kaufman] was the reporter who interviewed me in January 1994. The article included my picture and statements.

"However, I did not see the article because some authorities checked and took over the article. The authorities passed the article to the Lao Government and the UNHCR for translation and investigation. Therefore, I would like you [my uncle] and Mr. Kaufman to be aware that my life is in trouble and in danger now because the authorities are

watching me closely. So I am concerned about my safety in Laos.

"I want you [uncle] to call Mr. Kaufman to recall his article back if he can. He must not send any more articles to the P.O. Box. . . I want you to ask Mr. Kaufman to help me when I get in trouble. Mr. Kaufman should help me when I have problems because of the article."

Continuing to quote from the DOS report:

- * "The Government reacts harshly to expressions of political dissent."
- * "The Government retains the right to require citizens to obtain official permission for internal travel, and foreign residents in Vientiane must obtain permission to travel outside the prefecture. Similar restrictions apply to foreign tourists except when their travel in Laos is with an officially sanctioned tour group."

And, Mr. Chairman, of particular note to us here today:

- * "There are no domestic human rights groups. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles, if it were to be permitted to operate at all."

I repeat, this reflects the current State Department analysis of conditions in Laos.

As recently as last month, on March 3, 1994, those working in the U.S. Embassy in Vientiane, Laos, prepared a four-page document entitled "The Repatriate Life." The author of the document states "NGO's working with returnees may not post staff outside of Vientiane. Similarly, all UNHCR staff live in Vientiane."

It is important to note that travel in Laos requires government approval.

"The Repatriate Life" report, while ostensibly showing there is no problem with the repatriation efforts, admits

that the LPDR has denied the U.S. Embassy and UNHCR attempts to visit returnees' resettlement villages in Xiang Khouang Province, the area of the Hmong homeland, where there are returnees. Where Hmong refugee resettlement areas were visited, the villages--some would call "Potemkin refugee villages"--the repatriation resettlement sites for returnees to Laos appear to be surrounded by LPDR military. And whenever visits were permitted, they were carefully managed and government interpreters were provided.

This is not proper monitoring. Proper monitoring must have unannounced on-site field visits by credible independent investigators, using non-biased interpreters with the U.S. Government standing firmly behind a non-retaliation policy for the persons interviewed.

It is most troublesome to learn that while the U.S. Embassy in Vientiane is unable to properly monitor returnees, it is willing to accept as truth this limited LPDR directed "evidence" to conclude that "Consistent with reporting from UNHCR and its implementing NGOs in Laos, repatriates from the camps in Thailand tell the embassy they are not persecuted, harassed, or treated worse than their neighbors."

Since unannounced, on-site, objective, non-LPDR-approved monitoring of returnees is not possible and since it is unlikely that credible independent investigators, using non-biased interpreters will be permitted, and since the U.S. Government is probably not in a position to protect Hmong returnees who give information about retaliation by LPRD authorities, repatriation of Hmong to Laos should be stopped immediately.

HMONG ALLIES

Let me remind us all that the Hmong were staunch U.S. and Thai allies in the critical Lao secret theatre of the Vietnam War. It was the Hmong, or "Meo," with U.S. backing, who kept the North Vietnamese Army at bay in northern Laos, gathered critical intelligence, rescued downed aircrews, and defended navigational sites in Laos that allowed precise, all-weather U.S. air strikes against enemy targets in northern Laos and North Vietnam. The Hmong did this at great loss of life and property.

When the communists came to power in Laos in 1975, they launched a campaign to eliminate the old order,

including the minorities allied with the U.S., and the royal Lao family. The extermination of the beloved King and the royal Lao family in "seminar" camps is a well-hidden story.

Interior Laos became a gulag where opponents were tortured, starved, denied proper medical treatment, and forced to perform slave labor. The communist Lao regime was so ruthless in its "ethnic" and "political cleansing" that from 1975 to the present over ten percent of the population fled. Another estimated ten percent were killed or died from abuse.

Tens of thousands of Hmong escaped Laos to Thailand, from where many were resettled in the West. Some 135,000 now live in the U.S. Many are now U.S. citizens. Many still have family in Laos and in refugee camps in Thailand. Some 35,000 to 50,000--maybe more--remain in Thailand, afraid to return to Laos because they fear persecution and retribution. Yet some of these Hmong political refugees and asylum seekers are being involuntarily repatriated to communist Laos, their sworn enemy, in a program using U.S. tax dollars--some paid by Hmong Americans.

Their fear is not without justification. Laos remains a repressive and totalitarian state. The current Marxist-Leninist regime is suspicious of those--particularly ethnic Hmong--who fled the communist regime. Returnees report abuses and status below that of those who did not flee.

Today, in 1994, hostilities between the communist government and the minorities continue as does the "ethnic cleansing." Some Hmong who have returned to Laos have re-escaped to describe the brutalities, including death, inflicted upon returnees by Lao authorities. Other Hmong who returned have disappeared.

There is the disappearance of Vue Mai, a former Hmong soldier during the time of the American involvement in Laos. In 1991 he was recruited from a refugee camp in Thailand by U.S. Embassy staff in Bangkok to promote Hmong repatriation. With State Department blessing, he travelled to the U.S., urging Hmong to return to Laos and seeking to quell obvious fears and concerns. Vue Mai disappeared on September 11, 1993 in Vientiane. According to the U.S. Committee on Refugees, he was arrested by Lao security forces.

UNHCR representative Vernon Blatter explained to the Hmong in the U.S. in early January of this year that the disappearance in Laos of Hmong leader Vue Mai was not the UNHCR's responsibility--although Vue Mai had agreed to lead Hmong repatriation to Laos under the monitoring and auspices of the UNHCR. The UNHCR representative said: "UNHCR has no power to investigate and to monitor Vue Mai and other problems of Hmong returnees in Laos. So the Hmong people in America must be responsible for their family members in Thailand and returnees in Laos."

Look at the photograph of a Hmong man on the cover of the Philadelphia Inquirer Sunday Magazine, February 27, 1994. Here is one of Vue Mai's relatives who volunteered to return under the Vue Mai/U.S. Embassy plan before it was understood to be a deceitful plan and before Vue Mai disappeared. Here is a man--a former soldier associated with the U.S. in its secret war in Laos--and he is crying in fear that the U.S. supported repatriation of him and his family will take place soon.

While many Hmong want to return to their Lao homelands, the fact is that they cannot return safely because the current Lao government remains perhaps the most closed, secretive, and repressive in the region.

REPATRIATION OF HMONG FORMER ALLIES

Forced repatriation of Hmong political refugees and asylum seekers from Thailand to Laos has a long and documented history. The Lawyers Committee for Human Rights highlighted these abuses in its 1989 report "Forced Back and Forgotten: The Human Rights of Laotian Asylum Seekers in Thailand". So has the Lao Human Rights Council and others interested in human rights violations against Hmong and Lao in both Thailand and Laos.

In 1989 the Lawyers Committee for Human Rights reported "Screening [to determine refugee status] is conducted in a haphazard manner with little concern for legal norms. Extortion and bribery are widespread. And despite an observatory role, the office of the United Nations High Commissioner for Refugees, UNHCR, in Thailand has proven incapable of ensuring a reliable and fair procedure."

The UNHCR and the State Department insist that the LPDR does not know if a returnee is a voluntary repatriate

or a forced returnee. This secrecy, they argue, protects returnees from reprisals. The Hmong insist that this is not true: that the LPDR knows the status of each returnee and whether he had any associations with the Americans, had any anti-LPDR activities, or had anti-LPDR relatives.

For Tragic Mountains, I interviewed David Merkel, a member of Congressman Bill McCollum's staff, who went to Thailand in 1992 on a fact-finding mission to investigate reports of forced repatriation. He was told by U.S. officials that the LPDR did not know whether a returnee was voluntary or involuntary. He discovered, however, that "They were lying about this. There is a code in the series of numbers and letters that accompanies each name that signals who are 'screened out' and being forced back and who are volunteers."

Little has changed. Since it is obvious that neither short-term nor long-term security of Hmong returnees can be adequately monitored or ensured by the UNHCR and U.S. State Department officials, the Hmong refugee plight in Thailand is a humanitarian emergency.

Individuals with long familiarity with the details of the policies, personnel, and problems in the Hmong refugee and repatriation issues in Thailand have concluded that among the most serious shortcomings of the U.S. Embassy Refugee Section in Thailand (and potentially embarrassing to the Clinton administration) is its apparent policy of not talking directly to refugees nor taking seriously the grave concerns of Hmong refugees in Thailand--particularly at Na Pho Camp. Na Pho is a repatriation camp from where some 12,000 Hmong will be repatriated, voluntarily and involuntarily, back to Laos. These Hmong have no opportunity for family reunification or resettlement in a third country. They are doomed for repatriation to Laos.

My research shows that virtually all information about the conditions in Na Pho camp reported to the U.S. Embassy in Bangkok comes through either the UNHCR or the Thai Ministry of the Interior, MOI, which runs and guards the camps. This is like asking the "foxes" to report on the conditions of the "chickens." As a result the U.S. Embassy in Bangkok has little accurate knowledge of the Hmong situation in Na Pho camp or of Hmong experiences in the screening process, or of camp life and the denial of life's essentials--food, water, and charcoal--to scare and threaten refugees to volunteer to return, or of their current feelings about repatriation to Laos after the

disappearance of Vue Mai, or of the number of people in this camp who fear persecution if they are returned to Laos, or of the desire of many in this camp to reunite with their families in the West.

It is important for qualified, informed people with ethnic and historical knowledge of the Hmong to talk directly to the refugees in Na Pho camp and not just rely on officials of the Thai Ministry of Interior and of the UNHCR. Why is this not the case?

It is important to understand that ethnic ignorance of the Hmong by U.S. policy-makers helped create this problem before us today.

One Hmong, a former soldier twice gravely wounded in the fighting in Laos, whose parents, two brothers, and two sisters were killed by communist soldiers, wrote his Wisconsin Congressman, Steve Gunderson, about the forced repatriation of his sister on Thanksgiving 1993 from Na Pho camp in northern Thailand to Laos.

"I have just received a telephone call from my sister--and brother-in-law--[a former soldier]. They said that the U.N. used Thai soldiers to gun point at every family and told them to sign a volunteer repatriation. While I was speaking to my sister on the phone, a [Thai] soldier took the phone and spoke to me. He said that they only do what the U.N. wanted them to do and that my sister will have to be repatriated with force. During the conversation, my sister and brother were crying and yelling for help."

The U.S. Embassy in Bangkok responded to Gunderson's query, admitting that this Hmong's family was part of a group of 382 to be repatriated but insisted it was voluntary and claimed: "We have confirmed that the allegation made of Thai soldiers coercing the Hmong to repatriate at gunpoint is simply untrue."

There are hundreds--maybe thousands--of cases like this of Hmong coerced into returning to Laos through a repatriation program in which corrupt and flawed "screening" process "screens out" many who are, in fact, political refugees and asylum seekers.

Should we try to rescue this woman and her family who were forcibly repatriated last Thanksgiving? Should we rescue the Hmong man who appeared in the Philadelphia

Inquirer article who now feels his life is in danger as a result of receiving a copy of that article through the international mail and having it confiscated by the Lao authorities? What about all those other Hmong who have been forcibly repatriated? Isn't the answer obvious?

Corruption and unfairness in the screening process to determine refugee status in Thailand remains widespread. Over the past three years, an impressive number of first-hand and eye-witness testimonies document this. While this documentation is substantial, the U.S. Embassy in Bangkok and the State Department's Bureau of Refugee Programs in Washington insist that there is no credible evidence that Hmong are being involuntarily returned to Laos or that Hmong returnees face persecution and abuse at the hands of their enemies, the communist Lao People's Democratic Republic authorities.

Only this past February, Marc Kaufman, in an investigative article for the Philadelphia Inquirer, documented ongoing involuntary repatriation of Hmong to Laos and described an entrenched and deceitful campaign by U.S. State Department and UNHCR personnel to discredit Hmong American leaders and Hmong refugees--and to manipulate Congressional investigations.

All this, plus the documented executions and atrocities by Lao authorities against Hmong forcibly returned in the 1980s by the Thais, and the residual animosity toward the Hmong based on the Vietnam War, are loud warnings that the Hmong fear of persecution is real and that objective, effective, and frequent monitoring of Hmong returned to Laos is probably not possible.

It is no wonder, then, that since this U.S.-backed repatriation program began, some 15,000 Hmong have escaped the camps in Thailand. This figure may be much higher. Some 12,000 Hmong have found sanctuary in Wat Tamkrabok, a Buddhist temple north of Bangkok. Another 12,000 Hmong are held in Na Pho Camp--the last stop before repatriation to Laos. Many of these insist that they will be forced back against their will. Many of these have family members in the U.S., some of whom are U.S. citizens.

This desperation is most evident among those in Na Pho camp in northern Thailand. This is a repatriation camp. Those held here know that they are to be repatriated to Laos. This fear and desperation shows in audio tapes,

letters, phone calls from these refugees to their American relatives, pleading for help to stop their repatriation.

Some capitalize on this desperation by extortion--as in the infamous case of the 305 asylum seekers whose U.S. relatives, last summer, paid some \$200,000 to Thai officials so that their kinsman would not be returned to Laos, but could, instead, be united with their families in the U.S. Hmong Americans paid the ransom for their relatives, but instead of facing the prospect of family reunification, they learned, helplessly, that they had been shipped to Na Pho camp from where many were returned to Laos--their greatest fear.

Logic would say that if the Hmong in Na Pho refugee camp had willingly signed up and were eager to return to Laos, why, then, is there a need for increased security at Na Pho? Why the installation of a high-security area inside the camp with metal fencing? Why are outsiders unwelcome at this camp? Why are so many cassette tapes and letters coming from those in Na Pho reporting that they are being forced to return to Laos?

Refugees in the camp who resist or refuse to put their thumb print or signatures on a form, indicating consent to be returned to Laos, are punished. Some are jailed in the high security facility and put on greatly reduced rations. Others are coerced into "volunteering" to return to Laos through threats of dramatically reduced food, water, and charcoal rations.

Today we are discussing whether it is good policy to return the Hmong to one of the most repressive, secret and brutal regimes in the area--the Lao People's Democratic Republic--a regime that has vowed "to wipe them out."

I think this is not a good policy.

Congressman Toby Roth, in whose Wisconsin district many Hmong live, called for these Hearings, noting that many Hmong "fought against the spread of communism in Southeast Asia. They rendered a great service not only to the United States, but to Thailand as well. To simply force these people back into communist Laos is to sentence them to certain retribution for their commitment to defeating communism."

MORATORIUM ON ALL HMONG REPATRIATION TO LAOS

Mr. Chairman, I now want to spend a few moments on the need to call an immediate moratorium on all repatriation of Hmong to Laos.

Hmong political refugees and asylum seekers fled to Thailand to escape the harsh regime in Laos. These disenfranchised people who face coerced repatriation to Laos are former allies of the U.S. in the secret theatre of the Vietnam War. They have suffered "ethnic" and "political" cleansing by the Lao People's Democratic Republic primarily as a result of their long fight against the communist Lao and Vietnamese in Laos and their close and important relationship with the U.S. during the Vietnam War.

Repatriating Hmong political refugees and asylum seekers to a hostile environment in the LPDR is most troublesome--and certainly viewed by most returnees as unusually cruel. In spite of assurances by the U.S. State Department's Bureau of Refugee Programs, the U.S. Embassies in Laos and Thailand, and NGOs, independent, objective, third-party monitoring of Hmong returnees by qualified human rights personnel cannot take place. This is verified by the U.S. State Department's own current Country Report on Human Rights Practices and by "The Repatriate Life" report written by personnel in the U.S. Embassy in Vientiane that I described before in my testimony.

I believe that any reasonable person would have to conclude that coercing political refugees and asylum seekers who have fought against this regime for years back to this totalitarian environment, to a government which has vowed to "wipe out" those who had allied themselves with the U.S. in the fight against the communist forces now in power, cannot in any way be justified. It is against all concepts of justice and human rights and should be stopped immediately.

In February 1994, Congresswoman Pat Schroeder wrote a letter to the King of Thailand, asking him to intercede on behalf of these Hmong and to stop repatriation. She pointed out that the 1991 Tripartite Agreement under which the Hmong are being repatriated has been invalidated because of "the ongoing bloody civil war in Laos . . . , well documented cases of mandatory (forced) repatriations of Hmong to Laos . . . gross violations of human rights by

the Lao government which has closed Laos to all monitoring by independent human rights organizations."

I want to point out that also last month, in a bipartisan letter to His Majesty King Bhumipol Adulyadej of Thailand, 16 members of this House asked the King to intercede on behalf of the Hmong refugees in Na Pho refugee camp, at Wat Thamkrabok and elsewhere in Thailand. They also suggested a four-year moratorium on Hmong repatriation. Let me read from this letter, spearheaded by Congressman Duncan Hunter, dated March 1, 1994, to His Majesty:

"It now appears, from a number of recent events, that the Tripartite Agreement has been nullified. Hmong are being unfairly screened out and denied refugee status. . . If the UNHCR and the United States Department of State cannot guarantee the safety of such a high profile Hmong leader (as Vue Mai) in Laos, how will the security of less prominent Hmong be ensured? The Lao government continues to bar international human rights organizations from visiting or monitoring the country. Moreover, U.S. Embassy officials in Laos are not permitted in some provinces where Hmong have been repatriated because of the ongoing civil war."

This U.S. policy to support coerced repatriation of our former Hmong allies seems to be in violation of principles sacred to most Americans. Yet, today, their tax dollars are being used for this purpose.

I strongly recommend an IMMEDIATE four-year MORATORIUM on all Hmong repatriation from Thailand to Laos.

After a MORATORIUM is in place, Mr. Chairman, I recommend that the Congress request a Presidential Determination authorizing \$10 million from the Emergency Refugee Migration and Assistance, ERMA, fund [under Section 2(c) (1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. § 2601(e)(1)], to send emergency humanitarian assistance to allow the Hmong refugees and asylum seekers in Thailand to remain there until they can be resettled in third countries over several years. We must help save the Hmong refugees and asylum seekers at Na Pho repatriation camp, at Wat Thamkrabok, and others in hiding or in jeopardy in other camps in Thailand from being sent back to Laos against their will.

The U.S. Government's current interest in Laos focuses on seeking a resolution of the American POW-MIA issue and on curtailing the trafficking of drugs, one of the main sources of hard currency for the LPDR. The U.S. official position seems to be accommodation of the current regime in order to effect gains on these two issues. There is little U.S. pressure--or even interest by some parts of the State Department--to push for the elimination of human and civil rights abuses or to push for a multi-party political systems in Laos. You can see why the professionals in the State Department, who never had a working relationship with the Hmong like the Defense Department and CIA did, seem little concerned. That, however, does not justify State's policy, let alone spending our money doing it. Hmong continue to suffer as a result of their previous association with the U.S. Like the Kurds in Iraq, the Hmong, another minority, have been abandoned and sacrificed by the U.S. to supposed greater geo-political considerations.

Congress might follow the suggestion of several of your House colleagues who recently wrote to Congressman David Obey asking that the funding of Hmong repatriation stop.

"It is our understanding that taxpayers' money--\$1.5-\$2 million--may again be appropriated in Fiscal Year 1995 to send Hmong refugees and asylum seekers from Thailand back to the repressive communist government in Laos."

These members asked that

"this funding be transferred to the appropriate account and be specifically used to provide emergency humanitarian support for the Hmong--in Ban Napho refugee camp, Wat Tham Krabok and elsewhere in Thailand--until they can be safely resettled in third countries (like France, Canada, and Australia) in three or four years."

Hmong value greatly the family and their expansive extended clan families. It is quite clear that many of those trapped in Thailand who face repatriation to Laos have relatives in the U.S. (and Canada, France and Australia). I recommend that these Hmong families be entitled to family reunification directly from Thailand. should point out that some of those facing repatriation

have no family remaining in Laos; their families have all resettled in the West.

There are those who have romantic notions--for whatever reasons--toward the current regime in Laos. But historically, I should also point out that, in general, refugees don't lie. We have learned--or should have learned--that when there are large groups of people coming out of a country claiming persecution, whether it is proven immediately or years later after a number of people are dead, it usually bears out that they have been telling the truth--that persecution has taken place.

Aryeh Neier, until quite recently Vice Chairman of Americas Watch, an international human rights organization established by the Helsinki Accords, said: "Trying to monitor human rights in closed countries is extremely difficult. One has to start with the assumption that one can never do anything about human rights violations until the facts have been assembled and then published. Publishing human rights violations is the enemy of abuses. Silence is acquiescence. The worst abuses take place when no one is paying attention."

In addition to the Vietnam War, there is another lesson to be learned here from American history. It is the lesson of how for years we treated our own Native American Indians. In many respects, the Hmong from the mountains are as different from the Lao people of the lowlands as Native American Indians were from the white man. We should remember that for years we treated Native Americans as second-class citizens and cared little about their extermination, as we resettled them to places where they did not want to live. The Lao are doing the same with the Hmong and we should not be a party to it.

Listen to this Hmong's words about life in Laos, recorded on cassette tape on February 8, 1994 and sent to a Hmong American.

"Since 1975, after you left, I have returned to Phonesavanh and many things have happened. The communist put so much pressure on our people. 11 members of my family had died from food poisoning We are so hungry. . . . The communist discriminate, prejudice against the Hmong, and especially the lowland Lao hate the Hmong. They took away our land, our rice fields, even a piece of land as large as a our palm, they took. They said that the Hmong did not and do not possess anything in the

lowland. The Hmong are mountain dwellers so they must go back to the mountains where you belong. Now they chase the Hmong out of the lowland and even in the mountain where we live they do not let us live."

"There are many things I want to tell you. . . . I don't cry but tears are running on my eyes. We are like the snake that is half dead. We don't know what to do in order to get up and go, because we do not have anything. We want to walk but there are too many berry bushes. We are like little birds that have no wings to fly. We are waiting . . . like grass waits for the rain."

Let us open our minds. Let us open our hearts and feel the pain of these people--once honorable and important allies. We owe them special support.

The Hmong suffered--and continue to suffer--greatly for their costly alliance with the U.S. and Thailand. The vestiges of that worthy and proud people now huddle in refugee camps and other sanctuaries in Thailand, terrified of forced repatriation to their former enemies who have publicly sworn to punish them. They are now caught in a minor backwater of the current flow of global politics and economics in Southeast Asia. Surely, the great nations of the U.S. and Thailand are capable of this last compassion for those who gave so much of themselves in the cause of freedom.

Mr. Chairman and Members of this Committee, a final plea. I have known the Hmong well for almost 20 years. I have heard their pleas for so many years. I know them to be truthful people. I know that they have been unjustly abused for some time.

Please give your special, individual attention to follow up on what you have heard here today. Do not let the Hmong desperate present plight be brushed away with "we are on top of this situation." That is merely "business as usual" in the complex process of administrative procedures while more Hmong suffer. There is more to this issue than has been discussed here today. Please continue your inquiries to delve deeper into this shameful matter.

I thank you and particularly the Hmong thank you for your attention and interest, and for your willingness to hold this hearing over the objections of the Department of State.



**U.S. COMMITTEE
FOR REFUGEES**

Testimony of

Hiram A. Ruiz

**Policy Analyst,
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on the

**Situation of Hmong Refugees
and Asylum Seekers in Thailand**

before the

**House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific**

April 26, 1994

Mr. Chairman, I am Hiram A. Ruiz, Asia policy analyst for the U.S. Committee for Refugees (USCR). Thank you for extending me the opportunity to present the views of USCR concerning the situation of Hmong Laotian refugees.

The U.S. Committee for Refugees is a nonprofit, nongovernmental organization that regularly monitors and assesses the situation of refugees and displaced people around the world. We have monitored developments affecting Hmong refugees in Thailand specifically for many years. I personally traveled to Thailand last year to document the situation of the Hmong, and, more recently, a USCR consultant conducted on-site documentation for USCR on the screening process being used to determine refugee status.

INTRODUCTION

Mr. Chairman, the U.S. Committee for Refugees is grateful that you have convened a hearing regarding refugees and asylum seekers in Southeast Asia at this critical juncture. The long saga of Vietnamese boat people appears to be drawing towards a close. The screening of most Vietnamese asylum seekers has been completed, and the UN High Commissioner for Refugees (UNHCR) and the governments concerned have agreed that those who have been screened out (determined not to be refugees) must return to Vietnam by the end of 1995.

As recent events in Hong Kong indicate, however, if this "end-game" is not approached sensitively and responsibly, there is potential for violence and tragedy. Although USCR is not testifying regarding the Vietnamese today, I would like to add our voice to those who urge that the U.S. government work to ensure that the return home of screened-out Vietnamese asylum seekers takes place with dignity and respect for the basic human rights of all individuals.

The situation of the Hmong is often regarded as parallel to that of the Vietnamese, and there appears to be widespread belief that solutions decided upon for the Vietnamese can and should apply to the Hmong as well. But that is not the case.

There are significant differences between political, social, and economic conditions in Vietnam and Laos, and between the Vietnamese and Laotian governments. Also, the

Hmong are an ethnic minority within Laos, which, combined with the fact that some Hmong continue to engage in an armed insurgency against the present Laotian government, results in their remaining a marginalized, suspect group upon returning to Laos.

The situation of the Hmong should be analyzed in its own right, and the U.S. government should formulate policy toward the Hmong based on that group's particular needs and situation. That policy should take into account the fact that the Hmong, including many of those currently living as refugees in Thailand, risked their lives to assist the United States. Indeed, it is because of that support for the United States that the Hmong are in this situation today. While we may now wish to put that period in our history behind us, it would be wrong to turn our backs on the Hmong in the process.

Having said that, we can not ignore political realities on the ground in Southeast Asia, particularly Thailand's unwillingness to continue hosting refugee populations. What is needed is a U.S. policy that is sensitive to the situation and needs of the Hmong, that honors our responsibility toward them, that maximizes safeguards for the Hmong, and that takes into account political realities. Achieving such a balance will not be an easy task.

BACKGROUND

For many years following the end of the United States' military involvement in Southeast Asia, the U.S. government responded admirably to the plight of the refugees who fled Vietnam, Laos, and Cambodia beginning in the mid-1980s in the wake of communist takeovers in those countries. The United States opened its doors to more than a million such refugees.

The asylum countries of Southeast Asia, including Thailand, also did their part. Although there were serious problems, eventually, through the adoption in 1989 of the Comprehensive Plan of Action on Indochinese Refugees, the so-called CPA, an accommodation was found that guaranteed first asylum in the region for those who fled, and left the door open for overseas resettlement of those determined to meet the criteria for refugee status.

The CPA plan called for asylum countries to institute a screening process to determine if any given individual met the criteria for being granted refugee status. Most of

the Hmong in Thailand either arrived before the screening process began and thus have automatic refugee status, or were "screened in," that is, determined to be refugees.

The United States extended the possibility of resettlement here to Hmong with refugee status who also met U.S. Immigration and Naturalization Service (INS) criteria for admission to the United States as refugees.

More than 64,000 Hmong have resettled in the United States. For many, lacking formal education, English language skills, or transferable work skills, life in the United States proved difficult. Consequently, many other Hmong refugees in Thailand decided against resettlement in the United States. Many of the Hmong in Thailand who did not opt for resettlement did so in part because of fears about life in the United States, in part because they hoped to be able to someday return to their homes, and in part because they believed they would be able to remain in Thailand until such time as they believed it to be safe to return home. In Thailand, they lived in fenced-in refugee camps that offered them little more than the possibility of survival.

For years that situation remained static. It appeared to more or less suit all concerned. But that has changed. For the past several years, the government of Thailand, which once supported the Hmong resistance group that continues to fight the Laotian government, now shuns the Hmong resistance and cultivates economic ties with the Lao government. It no longer welcomes Hmong refugees, and in fact would like to see all the refugees on Thai soil (including those from Laos and Burma) leave Thailand. It has said that the Hmong must leave by the end of 1995 (a target date of end-1994 had earlier been set, but this has been eased). The Thai authorities have already closed two of the three main camps that housed Hmong refugees.

The Thai military's forcible repatriation of the 500 or so Cambodians who refused to join the UNHCR-organized voluntary repatriation last year, and its recent forcible repatriation of some 20,000 Cambodians, mostly women, children, and elderly people, who fled fighting between Cambodian government forces and the Khmer Rouge, underscore the Thai government's hardened line toward refugees.

Laotians, both Hmong and lowland Lao, have been repatriating since 1980. Between 1980 and late 1993, more than 8,600 lowland Lao and some 7,600 highland Lao (mostly Hmong) repatriated. A majority of these were people with refugee status, but

more than 2,700 were persons who had been screened out. In 1993, the number of highland Lao, mostly Hmong, who repatriated was the highest of any year since 1980.

Thailand presses the Hmong to repatriate. Thousands of Hmong, afraid to do so and also reluctant to resettle to the United States or elsewhere overseas, have left the refugee camps and sought shelter at a Buddhist temple some 100 kilometers from Bangkok. Their future remains particularly uncertain.

SUMMARY OF MAIN ISSUES

Although for many years relatively little public or official attention has been focused on Hmong refugees, discussions that have taken place have been polarized and highly charged. Perceptions about the current situation of the Hmong, about their future, and about what U.S. policy towards the Hmong should be vary widely. No doubt that polarization will be reflected in the testimonies presented during this hearing.

In my statement, I will identify the specific concerns that the U.S. Committee for Refugees has regarding the current situation and future status of Hmong refugees in Thailand, and will make recommendations that could, if acted upon, ameliorate these concerns. I have appended to this testimony copies of two articles published by USCR in August 1992 and January 1994 that provide detailed background information on the situation of the Hmong and that supplement the information contained in this testimony.

The U.S. Committee for Refugees is concerned about several issues:

- * *a sense that the U.S. government, and particularly U.S. Embassy officials in Thailand, have become impatient with the Hmong refugees and asylum seekers in Thailand and lack concern for them;*
- * *reports of ill-treatment of repatriated Hmong in Laos;*
- * *reports of involuntary repatriation of Hmong refugees and asylum seekers;*

- * *the disparity in the perceptions of concerned parties regarding the voluntariness of the repatriation program and the safety of returnees;*
- * *calls for an end to U.S. support for programs to assist Hmong who repatriate to Laos;*
- * *the fairness and competence of the screening (refugee determination) process in Thailand;*
- * *the limited access of screened-out Hmong to the appeals process and the fairness and thoroughness of that process;*
- * *restrictions already in place or anticipated that limit the ability of Hmong with refugee status to apply for resettlement in the United States;*
- * *the Thai government's insistence that all Laotian Hmong must leave Thailand by the end of 1995;*
- * *the disappearance of repatriated Hmong leader Vue Mai and the implications of his disappearance for the repatriation process; and*
- * *the fears of members of the Hmong community in the United States for their friends and relatives in Thailand and Laos.*

ANALYSIS AND RECOMMENDATIONS

Mr. Chairman, I would like to expand on these concerns and offer USCR's recommendations about what Congress could do to ameliorate them.

1. Regarding our sense that the U.S. government, and particularly U.S. Embassy officials in Thailand, have become impatient with the Hmong refugees and asylum seekers in Thailand and lack concern for them:

I raise this issue first because it underlies many of the concerns USCR has regarding U.S. policy towards the Hmong and underscores why we believe that it is so important that Congress take a pro-active approach to the situation of the Hmong.

For many years, the U.S. government has kept its door open to Hmong refugees seeking resettlement in the United States. Through contributions to the UN High Commissioner for Refugees (UNHCR), the United States has also helped fund the stay in Thailand of Hmong refugees who did not wish to resettle and who continued to fear repatriation, and it has helped provide assistance to those Hmong who have repatriated.

More recently, however, there appears to be an attitude at the U.S. Embassy in Bangkok and the U.S. Department of State that the Hmong have had long enough to make up their minds about resettling in the United States, that those who can't or don't want to resettle can and should return to Laos, and that those who don't are simply being obstinate or opportunistic. In an excellent, in-depth report on the situation of the Hmong in the February 27, 1994 *Philadelphia Inquirer*, a U.S. Embassy official in Bangkok was quoted as saying that the Hmong who remain in the camps do so in order to enjoy "the good life."

That attitude is unfair and illogical. Many Hmong genuinely fear repatriation to Laos. The extent to which their fears are warranted is subject to debate, but the reality is that the fear is there. Based on the experience of Hmong who have resettled in the United States, many Hmong refugees in Thailand are also, sensibly, wary of the difficulties of adjusting to life in the United States. It is therefore not surprising that many Hmong would prefer to remain in Thailand.

Yet, rather than pressing the Thai government to allow the Hmong to remain while working to convince the Hmong that they truly can safely repatriate (if that is the case), some U.S. government officials dismiss the concerns of the Hmong about repatriation. There also appears to be little U.S. government concern over continuing reports that at least some of the Hmong who have been denied refugee status do, in fact, have genuine claims to such status. In the past, independent observers have criticized the refugee determination process as unfair and corrupt. Yet State Department and Bangkok embassy officials do

not press the Thai government and UNHCR to remedy this by further review of such cases.

The State Department is also said to be considering a cut-off date for the Hmong to apply for resettlement. This adds pressure and limitations to those already exerted by the Thai government, which has told Hmong in Ban Na Pho camp, the so-called "repatriation camp," that since they did not apply for resettlement before, they cannot do so now.

RECOMMENDATION: We urge Congress to ask senior level State Department officials to review U.S. policy toward the Hmong, and to urge U.S. refugee officials in both Washington and Bangkok to pursue policies that do not further limit Hmong refugees' options.

2. Regarding reports of ill-treatment of repatriated Hmong, reports of involuntary repatriation of Hmong refugees and asylum seekers, and the disparity in the perceptions of concerned parties regarding the voluntariness of the repatriation program and the safety of returnees:

Some Hmong organizations and leaders argue that Hmong refugees who return to Laos are persecuted and abused, if not outright killed. These groups' claims are alarming, and understandably cause fear and consternation among Hmong in the United States and Thailand. But the organizations making these assertions do not provide specific details or concrete evidence.

UNHCR, Lao, Thai, and U.S government officials argue that the Hmong are safe upon return. But the Thai and Lao governments are not the most reliable sources on this issue, and the monitoring capacities of the United States and UNHCR in Laos are limited. Nevertheless, we understand from UNHCR that they have received several specific complaints of returnees experiencing security problems and that the agency has established that all but one, the disappearance of Vue Mai, were unfounded.

Some Hmong leaders also say that the Thai authorities routinely force Hmong refugees back to Laos, while UNHCR, Thai, and U.S government officials say that the Hmong who have repatriated have done so voluntarily.

While we do not have evidence that the Thai authorities use actual force to repatriate the Hmong, we can say with certainty that they subject the Hmong to considerable pressure to repatriate. The Thai authorities tell the Hmong that if they do not repatriate they might wind up in a prison camp, or that their families' food rations will be cut off. That may not be what UNHCR classifies as *refoulement* (forcible return of refugees), but it is also a far cry from the fully informed, unpressured decision carried out in safety and dignity that the UN and most governments say are the essentials of a truly voluntary repatriation.

RECOMMENDATION: One of the most pressing needs regarding Hmong repatriation is an unbiased, independent investigation of the safety of Hmong who return to Laos and of whether Thailand is using force or coercion to repatriate the Hmong. Such an investigation could be carried out by a special *rapporteur* appointed by the UN Human Rights Commission, or by an international delegation. We urge Congress to press for such an investigation, and the Laotian government to permit it.

3. *Regarding calls for an end to U.S. support for programs to assist Hmong who repatriate to Laos:*

There has been criticism from some quarters of Congress's financial support for programs aimed at protecting and aiding the reintegration of Hmong who repatriate to Laos. Such criticism is misguided.

Like the repatriation of Vietnamese who have been determined not to be refugees, the repatriation of screened-out Hmong, and of Hmong refugees who do not wish to, or are ineligible to resettle abroad, is a reality. Upon return, they urgently need international assistance in order to make a new start. U.S. funds not only help make that new start possible, but, by channeling U.S. aid through UNHCR and international nongovernmental organizations, the United States helps ensure that international staff will be present alongside the returnees in Laos, which helps enhance their security.

RECOMMENDATION: Congress should continue to support programs that help Hmong who return to Laos to reintegrate and that enhance their safety.

4. Regarding the fairness and competence of the screening (refugee determination) process, the limited access of screened-out Hmong to the appeals process, and the fairness and thoroughness of that process:

The system that Thailand devised to differentiate between Hmong with valid claims to refugee status and those whose claims are less valid has been criticized for years. In 1989, the Lawyers Committee for Human Rights detailed concerns about the system, including charges of corruption.

In 1993, an official involved in refugee assistance programs in Thailand made a careful study of 31 screened-out Hmong cases and concluded that 8 of the cases appeared to be potentially eligible for recognition as refugees and for admission to the United States as refugees based on U.S. Immigration and Naturalization Service (INS) criteria. Another six cases appeared to have a "50-50 chance" to qualify for such recognition and U.S. admission.

An appeal and review system exists, but it is difficult to access, and the appeals are often rejected. For example, of the above 14 cases that an independent reviewer found to have a reasonable-to-strong claim for refugee status, UNHCR officials in Thailand only supported the appeal of one case, and the Thai authorities rejected that appeal.

Although obvious flaws exist in both the screening and appeals processes, the U.S. Embassy in Bangkok and the State Department in Washington have shown little interest in supporting a review of screened-out cases. Recently, for example, 300 Hmong, most of whom were screened out, paid thousands of dollars to Thai officials who promised to include them on the list of screened-in Hmong eligible to apply for resettlement. Rather than view the 300 individuals involved as people fearful of being returned to Laos and willing to take desperate measures to avoid that fate, a State Department official, in a letter to various members of Congress who expressed concern about the group, described the group as having "attempted to bribe their way into the resettlement process."

Given that there are only about 1,600 screened-out Hmong, reviewing the cases of those who claim that they were unfairly denied refugee status should not be an impossibly cumbersome task.

RECOMMENDATION: Congress should urge the State Department to press UNHCR and the Thai government to undertake a review of the cases of screened-out Hmong who dispute the decision in their refugee status determination hearing. The State Department could facilitate this process by accepting information regarding these cases that may be available from relatives in the United States.

5. Regarding restrictions already in place or anticipated that limit the ability of Hmong with refugee status to apply for resettlement in the United States:

For many years, the Hmong have been under the impression that they could remain in Thailand. For that reason, some decided not to apply for resettlement. Now that it is becoming clear to them that their only alternatives may be repatriation or resettlement, some of those who did not choose resettlement earlier may now wish to do so. The Thai government has said that those who previously signed voluntary repatriation forms or who agreed to move to Ban Na Pho camp can no longer choose resettlement. The United States is reportedly considering setting a date by which eligible Hmong refugees who wish to apply for resettlement must apply.

All of these restrictions and roadblocks are unnecessary. They limit options and accomplish nothing.

RECOMMENDATION: Both the Thai and U.S. government should allow Hmong who did not previously opt for resettlement but who now wish to pursue it to apply for it without unnecessary hindrances. Imposing a cut-off date at this time is unnecessary, and a decision on this matter should be postponed.

6. Regarding the Thai government's insistence that all Laotian Hmong must leave Thailand by the end of 1995:

Thailand has allowed the Hmong to remain on Thai soil for 19 years. Although it has confined them to closed refugee camps, it has allowed the international community to assist them. For its own reasons, Thailand has decided to pull up the welcome mat. Given the severity of refugee emergencies in other areas of the world, the international community, the U.S. government included, is reluctant to continue funding the Hmong's continued stay in Thailand, or to resist Thailand's decision.

But the fact that Hmong who cannot or do not wish to resettle abroad may have little choice but to repatriate does not mean that repatriation is right for them. The State Department's own 1993 report on human rights in Laos, while noting improvements in some spheres, noted, "Restrictions on basic freedoms [in Laos] have eased only a little in recent years."

That the Laotian government limits the areas in which repatriating Hmong may settle, and the number who can settle together, is an indication of its continued suspicion of Hmong returnees. The government is also slow to approve the applications for repatriation of those Hmong who do volunteer to repatriate. Some informed observers have told USCR that they believe that Vientiane does not want the Hmong back, and that the government only cooperates with the repatriation program to ease its relations with the outside world.

RECOMMENDATION: The United States should urge the Thai government to allow Hmong refugees and asylum seekers to remain in Thailand, at least while the safety of returnees is investigated and while cases that may have been wrongly denied refugee status are reviewed, and to remove any roadblocks to Hmong with refugee status applying for resettlement.

7. Regarding the disappearance of repatriated Hmong leader Vue Mai, the implications of his disappearance for the repatriation process, and the fears of members of the Hmong community in the United States for their friends and relatives in Thailand and Laos:

Vue Mai, a prominent Hmong refugee leader who repatriated to Laos in November 1992, disappeared in September 1993, an incident that fueled concern about Hmong repatriation to Laos.

The U.S. and Thai governments and UNHCR encouraged Vue Mai, who had formerly been active in the Hmong resistance, to repatriate in order to be a role model for screened-out Hmong who would have to accept repatriation to Laos. Vue Mai was assured that he would be safe in Laos.

Nearly seven months after Vue Mai's disappearance, nothing concrete is known about who was responsible for his disappearance or what their motives were. There is much speculation, however, and two explanations are most often heard. One is that Vue Mai was abducted by Lao government security forces for unknown reasons (though some speculate that it may have been an attempt by Vientiane to undermine the repatriation process, which the Lao government is said not really to want). The other is that he was abducted by members of the Hmong resistance, which opposes repatriation because it undermines the resistance politically, financially, and logistically. (The resistance is said to receive its support primarily from Hmong refugees in Thailand and the United States.)

If putting a damper on the repatriation was the intent of those responsible, they certainly had some effect. The disappearance confirmed the fears of many in the U.S. Hmong community that repatriation is not safe, and some Hmong leaders and organizations have used the disappearance to argue that repatriation should be halted.

RECOMMENDATION: The disappearance of Vue Mai should be investigated as part of any assessment of the safety of returned refugees in Laos.

*

Mr. Chairman, it will be difficult to find solutions for the Hmong that all will welcome. The wishes and attitudes of many of the concerned parties are deeply at odds. Many

Hmong still fear returning home. The Thai government wants the Hmong to leave. Some Hmong leaders in the United States claim that repatriation is unsafe. The international community tires of financing the Hmong's continued exile. The United States appears anxious to wind down Hmong resettlement.

It seems clear that many Hmong, particularly those denied refugee status, are going to repatriate, whether voluntarily or not so voluntarily. What the United States government can do to ease the concern of Hmong both here and in Thailand is to ensure that all those with valid claims to refugee status have a full and fair hearing, to make it possible for those with refugee status who are eligible and wish to apply for resettlement in the United States to do so, and to provide as many safeguards for those who return as possible. That is the objective of the recommendations I have made today. The State Department does not appear, at present, to see a need for these actions. I strongly urge you to impress upon the Department that acting upon these recommendations could make a positive difference.

Refugee Reports

A News Service of the U.S. Committee for Refugees

"UNHAPPY ENDGAME" HMONG REFUGEES IN THAILAND

[Editors' Note: Court Robinson arrived in Thailand in July, where he will be living for much of the next two years, documenting Indochinese refugee repatriation through a MacArthur Fellowship in Peace, Security, and International Cooperation. Court continues to write for Refugee Reports and will be submitting monthly notes from the field. This month's report is on the more than 40,000 Hmong remaining in Thailand.]

The numbers show an ironic symmetry. In 1975, at the start of the Indochinese refugee exodus, about 44,000 highland Lao refugees, predominantly Hmong, were living in camps in Thailand, along with 9,000 lowland Lao. Seventeen years later, after 300,000 Laotians have resettled overseas and 10,000 have gone home, the number of Laotian refugees and asylum seekers in Thailand has returned to its original level.

While change, both dramatic and incremental, has come to Southeast Asia in the last two decades, it has been slow in coming to the Laotian camps. Now time is catching up to the refugees in Thailand, and for some groups, that is an unsettling, even ominous, prospect.

"One could easily say that the problem with lowland Lao refugees in Thailand is virtually resolved," a UNHCR official told me. Only about 6,000 lowland Lao remain in Thailand, almost all of whom have refugee status and await eventual voluntary repatriation. Arrivals have declined to a handful in the last twelve months; during that same period, meanwhile, 1,800 lowland Lao resettled in third countries, and 1,050 returned home, either voluntarily or without objection. Increasing numbers of some highland Lao groups--the Mien, Htin, and others--are returning home as well.

"Overall, the picture for Lao repatriation is very good," the official said. Here he frowned, then smile quizzically and threw up his hands. "The Hmong, of course, are the exception."

The Hmong helped fight America's secret war against the Pathet Lao until a communist victory in 1975 sent tens of thousands fleeing for safety into Thailand. In many ways,

they have been fighting ever since. The Hmong, in a word, are not reconciled: They are not reconciled to going home or to living in the United States. Some are still at war with the Lao socialist government, and others are simply at odds with their circumstances.

But the inevitable reality the Hmong refugees must face is that time is running out for them in Thailand. "The clock is ticking," said Dennis Grace, Joint Voluntary Agency Representative in Thailand. "The end of 1994 is the deadline for Laotian refugees to be out of Thailand. We've got two fiscal years and one quarter to sort things out."

"So far, the Hmong have been no-shows for voluntary repatriation," Grace said. "How do you go from 100 Hmong to 10,000 in the next twelve months? Everyone is waiting for something to fall into place, but there is little out there to suggest a turn-about. Probably half the Hmong in Thailand want to go back to Laos, but without some success stories on the repatriation side, a good percentage of people may end up backing into the United States. It won't be forced, but it won't be what they want either."

Grace suggested that as many as 30,000 Hmong could potentially seek resettlement in the United States in the next two or three years, when most estimates suggest the State Department is planning on admitting about half that number. "We are going to get ourselves into an unhappy endgame with the Hmong," he said.

Fifth Tripartite Meeting Sets New Targets, Deadlines One year ago, at the fourth in a series of meetings between the Thai and Lao governments and the UN High Commissioner for Refugees (UNHCR) held in Laos in June 1991, the three parties had agreed to a three-phased repatriation initiative.

During the start-up phase, from July 1991 to May 1992, an anticipated 5,000 to 6,000 new returnees would be reintegrated into the Lao society and economy. According to the plan endorsed at the Luang Prabang meeting, repatriation would gradually expand in Phase II (June 1992 to May 1993) and Phase III (through the end of 1994), by which time Thailand hoped that virtually all of the Laotian refugees would have resettled elsewhere or gone home.

The repatriation plan was based on principles previously agreed to by the three parties that "repatriation is to take place under safe, humane, and UNHCR-monitored conditions" and that "those considered to be refugees and asylum seekers returning under the program will do so on a voluntary basis, whereas those rejected in the screening process will be returned without the use of force in safety and dignity."

In fact, from June 1991 to May 1992, only 1,977 people returned to Laos, about one-third the original target for Phase I. Of these, 1,207 were refugees returning home voluntarily and 770 were screened-out asylum seekers. Fewer than 100 Hmong refugees repatriated voluntarily during this period, although nearly 400 screened-out Hmong were sent back to Laos in Phase I.

The reasons for the disappointing showing are numerous: attacks by Laotian resistance forces near resettlement sites in Laos, backtracking and intransigence by Lao officials, funding shortfalls on the part of UNHCR, and general reluctance on the part of the Laotian refugees in Thailand--and especially the Hmong--to go home.

At the fifth tripartite meeting between Thailand, Laos, and UNHCR held in Rayong, Thailand in mid-July 1992, the Thai government's impatience was evident. "The Laotian refugees have been residing in Thailand for a long time," said Gen. Charan Kullavanijaya, secretary-general of Thailand's National Security Council (NSC). "We have to reaffirm our principle that all refugees have to return home or be resettled in third countries. Thailand will not house them."

The Thai delegation reiterated its position that Ban Vinai, for more than a decade the largest camp for highland Lao in the country, would definitely close by the end of 1992, and that Chiangkham camp would be closed by the end of 1993.

Charan said Laotian refugees will face legal action in 1994 if any remain in Thailand. To underscore the seriousness of the government's intentions, Charan also announced the arrest of seven Laotians, three of whom were holding U.S. passports, as alleged saboteurs. It was later reported that the three U.S. citizens would be deported back to the United States.

A joint statement issued after the tripartite

meeting noted that the Thai government "has issued instructions to local Thai authorities to prevent any movements or groups/individuals from engaging in activities which are against the repatriation."

"Bangkok clearly has decided to move against the Laotian resistance," a U.S. refugee official said. "As we know, Ban Vinai traditionally has been a staging area and recruiting site for the resistance. It is no accident that this is the first camp to be closed."

Thailand, Laos, and UNHCR also announced that they had set a new target to repatriate 6,000 to 10,000 people during the next 12 months. The only way to meet that goal, everyone agrees, is to make voluntary return for the Hmong a safe and dignified reality.

The Screened-Out A large majority of the 50,000 Laotians in Thailand have refugee status with UNHCR and thus are permitted to seek third-country resettlement or await voluntary repatriation. But about 2,500 Laotians, principally Hmong, are screened-out asylum seekers whose claims to refugee status have been rejected by Thai immigration authorities and, in most cases, UNHCR as well.

The screened-out are subject to return that may be involuntary but is carried out "without the use of force," according to the tripartite agreements. In the last twelve months, 770 lowland and highland Lao screened-out asylum seekers have been returned to Laos, including about 400 Hmong. The return of lowland Lao and non-Hmong highland groups has proceeded largely without incident or protest. The Hmong, again, are the exception.

From July 1985, when the Lao border screening program began, until June 1992, about 40,000 lowland and highland Lao have been interviewed for refugee status. In all, more than 77 percent (31,146 people) have been screened-in. Another 7,249 people were screened-out; the remaining cases were either pending or closed.

Until December 1991, screening for the highland Lao took place in Chiangkham camp and for the lowlanders in Nong Saeng, a detention center in the northeastern city of Nakhon Phanom. As of January 1992, all screening has been centralized in Nong Saeng. With screening

now completed for nearly all Laotian asylum seekers in Thailand and new arrivals numbering only 22 since the beginning of the year, the program is phasing out.

Since it first announced the decision to close Ban Vinai two years ago, the Thai government has sought to hasten a decision by camp residents either to repatriate or to resettle in another country. In January 1991, a screening committee, comprising Thai immigration officials and UNHCR observers, began to interview some 5,040 "unauthorized" Hmong who had been living in Ban Vinai. The screened-in, it was understood, would be moved to Phanat Nikhom for resettlement processing, while the screened-out and voluntary repatriation cases would be moved to Na Pho, a camp that has traditionally housed lowland Lao.

In late August and early September of that year, however, MOI moved the entire number to Na Pho, prompting alarms from the Hmong community in the United States that the group was the victim of a "bait and switch" and would be forced back to Laos. In fact, observers confirmed to me, MOI and UNHCR feared that if they announced the results of screening while the group was still in Ban Vinai and moved the screened-in to Phanat Nikhom, the screened-out would simply disappear out of the camp and become "illegal immigrants" in Thailand or possibly join the resistance along the border.

Following the transfer to Na Pho, the screening committee announced that 2,394 people were screened in and 2,550 screened out. Most of the Ban Vinai screened-out immediately appealed to UNHCR for a review of their cases.

By the end of July, UNHCR had supported the appeals of 95 cases, comprising 235 people. Of these, the MOI had screened in 91 cases, or 216 people. Another 1,991 Hmong remained screened-out.

Hmong Protest Transfer to Nong Saeng In mid-July, frustrated at the slow pace of voluntary repatriation, MOI announced that on July 16, the screened-out Hmong in Na Pho would be sent to Nong Saeng unless they signed up for voluntary return. On that date, according to eyewitnesses in the camp, a group of about 1,500 to 2,000 Hmong demonstrated in front of the UNHCR of-



Nearly 2,000 Hmong protest outside the UNHCR office in Na Pho camp. Signs say, "No need to go to Nong Saeng. No need to go to Laos."

fice in Na Pho. Some carried signs saying, "No need to go to Nong Saeng. No need to go to Laos. Request to UNHCR-MOI for humanity."

"The demonstrators began showing up at about 10:15 am," one refugee program official told me. "We usually have about 20 guards in the camp and three policemen. By about 11:30 am, there were 40 to 50 uniformed men standing just inside the gate, carrying bamboo shields and batons. There were no guns, and they stayed in the background."

The Thai camp commander, Sati Phonyam, "handled the situation well," the official said. "He told the group to go home, in exchange for which he would meet with their designated leaders. By 2:00 pm, the group had dissipated." Later, Sati met with leaders of the screened-out, who submitted a petition outlining 18 conditions for their return to Laos.

Within 24 hours, a group called the Lao

Human Rights Council, headed by Dr. Pobzeb Vang, was circulating reports in the Hmong community that 1,300 Thai troops had entered Na Pho camp to arrest the Hmong and force them back to Laos.

"I have to believe this is deliberate misinformation," the refugee official said. "Communication back and forth with the United States is very easy."

In the week following the demonstration, all of the Ban Vinai screened-out group signed up for voluntary repatriation. "We signed so that we would not be sent to Nong Saeng," one Hmong put it simply, "but we still don't trust the Lao government, and we still don't want to go back."

"It is a tactical move," one MOI official said of the decision to transfer the screened-out Hmong to Nong Saeng. "The problem that we face right now is this," said Prapakorn Smiti, deputy director of MOI's Operations Center for

Displaced Persons. "We transferred all unauthorized Hmong to Na Pho. Genuine [refugee] cases we transfer to Phanat Nikhom if they want to resettle. If they are genuine and don't want to resettle, they stay in Na Pho. But if they are screened-out, they should go to Nong Saeng. When we tried to move people before, UNHCR asked for a delay of one month in order to promote voluntary repatriation. They had no success, so we had to make some decisions."

UNHCR officials say they would prefer that Nong Saeng be closed. "By the end of the year, UNHCR is not willing to pay for Nong Saeng," said one official in Bangkok. "We would prefer to have a refugee section and a non-refugee section in Na Pho."

Prapakorn was insistent that Nong Saeng would stay open. "The pipeline forms here [in Nong Saeng] back to Laos," he said. "You can't keep screened-in and screened-out together. Every time people volunteer [to repatriate] they get threats. We have set a target of 6,000 to 10,000 returnees during Phase II of Lao repatriation. We've got to start moving people."

But the screened-out Hmong will be permitted to stay in Na Pho for the time being, he said. "All of the people have signed up for voluntary repatriation, so I am willing to be flexible. No matter what happens, the screened-out will have to return to Laos anyway."

U.S. Still Interested in Some Hmong/Na Pho Cases Lionel Rosenblatt, president of Refugees International, visited Na Pho and Nong Saeng several days after the demonstration. "Some people who worked with U.S. forces in Laos were screened-out," he said, "and the U.S. government must play a vigorous role in looking into these cases."

That is being done, according to Martin Brennan, deputy counselor for refugee affairs at the U.S. Embassy. "We have been very active in the appeals process," Brennan told me in an August 21 interview. "We invited the Hmong community to use us as an intermediary with UNHCR and MOI. Two weeks ago, we started a process of reviewing individual cases with UNHCR. We are still in that process."

There are about 150 cases of interest to the United States still in Na Pho, said Brennan.

"I think the screening process was fair, and the vast majority of decisions were credible. We are not trying to second-guess UNHCR or MOI, but we are trying to be responsible conduits for worried Hmong-Americans who are trying to follow up on their relatives."

What Do the Hmong Want: Repatriation or Resettlement? In the summer of 1990, the Ford Foundation funded a survey of 5,344 heads of family representing 28,992 refugees in Ban Vinai camp. Of those interviewed, 54 percent said they preferred to repatriate to Laos and 46 percent chose resettlement in another country. Neither choice, however, was without conditions.

Of those choosing resettlement, more than 70 percent said they would prefer to go some time after 1992, giving a variety of reasons for the delay. Some said that the elders in the family didn't want to go abroad. Others said they were waiting for relatives still in Laos, or were concerned about language and other adjustment problems in the United States.

Four out of ten respondents chose "other" as a reason for delaying resettlement. The report suggested that this was the chosen category "for those who will eventually resettle unless drastic political changes occur in Laos in the next year or two. These respondents have essentially given up hope that this will happen, but choose to wait nevertheless."

For those who chose repatriation over resettlement, the clear preference was likewise to "wait and see." Nearly 80 percent of this group said they were unwilling to return until significant political changes occurred, and another 5 percent said it was simply not yet safe to go back.

There are no longer 28,000 Hmong in Ban Vinai. With transfers to Chiangkham, Phanat Nikhom, and Na Pho, the official population now stands at 11,500. But UNHCR and voluntary agency officials who work in Ban Vinai say the real figure is around 6,000 to 8,000. Forced to choose between voluntary repatriation and resettlement, several thousand Hmong have opted to leave the camp instead. Their fate remains unclear, although sources say MOI will permit them to re-enter the refugee system until December.

Of those who remained in Ban Vinai, the preference increasingly is toward resettlement.

When UNHCR first began to interview the Ban Vinai population to determine their preferences, about 15 percent said they were interested in going to the United States, Brennan said.

"As they worked their way through camp, the percentage has been moving toward the norm, around 50 percent. Suddenly in August, the pendulum swung sharply, and now 95 percent are expressing an interest in going to the United States," he added.

In the first movement out of Ban Vinai in August, 458 Hmong elected to go to Phanat Nikhom where they are eligible to seek U.S. resettlement. Only 16 chose Na Pho and voluntary repatriation. One reason for this swing, Brennan suggested, was the recent decision by two senior Hmong leaders in the camp to seek U.S. resettlement.

If such a trend continues, said Dennis Grace, "I think there will be 13,500 Hmong in Phanat Nikhom by March 1993. That is on top of 3,500 in the camp who have already been approved for U.S. admissions next year. That gives you a pool of 17,000 Hmong for FY 93, and we hear talk of about 6,500" as a planning figure for FY 93 Hmong admissions.

Brennan confirmed the figure of 6,500 as a "projection for next fiscal year, but he cautioned that many of the recent arrivals from Ban Vinai "do not really wish to go to the United States. By going to Phanat, they keep all their options open. It's a very intelligent decision. The clock is ticking but it buys them time.

"We should not proceed as if everyone in Phanat is going to the United States and then put them in the pipeline," Brennan continued. "It's not in anyone's interests to move people to the United States who do not want to be there."

Grace agreed that "the interest in resettlement may be soft in Phanat, but it will firm up if nothing else happens on the repatriation side."

The Resistance May Be Key One of the frustrations for those promoting voluntary repatriation to Laos was the fact that as of June 1992, there were 2,000 Laotians in Thailand, including about 700 Hmong, who had applied to go back but were waiting for approvals or return schedules from the Lao side.

Several developments, all on the Lao side,

[Vue May, 55 years of age, was a camp leader in Ban Vinai from 1980 until 1991 when he fled to Bangkok following threats on his life. Formerly a supporter of the resistance, he now seeks to lead a group of Hmong voluntary returnees back to Laos. He spoke in Thai to Court Robinson about his hopes for the Hmong and for repatriation.]

When the Thai and Lao governments decided that the refugees had to go home, I wanted to help. The Lao came to talk to me about repatriation, and I agreed that people who didn't want to resettle in the United States—old people, long-stayers, people addicted to opium—should have the opportunity to return. There will also be many people who will not be eligible for resettlement in the United States—those without relatives, polygamists, opium addicts. These people too, I think, will be willing to go back, but they don't know where they will live.

I have promoted the idea to the Thai Ministry of Interior and the Lao government that they should allow the Hmong to go back in a group with their leaders, that they should allow us to build a 'model village' with schools, hospitals, jobs. I would like to build this project near the city of Vientiane. Up to 10,000 Hmong could live together. If they would let us do this, I think many Hmong would go back.

But if the Lao government tries to put us in the jungle, isolated, without houses, then the Hmong won't go back.

There are lots of people in Na Pho and Chiang Kham who are willing to go back but they are not willing to say so publicly. If they do, several things happen: MOI comes and says they must sign a paper that they could go back within a few days. The other thing is they get pressure from people in the camps. I had a firebomb thrown at my house for talking about voluntary repatriation in Ban Vinai. I felt it was no longer safe to stay there.

Two groups want the refugees to stay in Thailand. One is the resistance, and they are getting money from overseas to help in this effort. The other is local Thai officials who are also making money off the camps. Neither wants the camps to close.

contributed to building this backlog in Thailand. In a report prepared for the fifth tripartite meeting, the UNHCR branch office in Laos said funding shortfalls and staff shortages created "longer delays in processing applications and organizing movements."

Another "major factor in determining the speed of repatriation movements," the report noted, "is the special procedure for vetting applications to four provinces in Laos." Since November 1991, officials in four provinces--Vientiane, Sayaboury, Bokeo, and Oudomxay--have required that all applications for repatriation must have provincial as well as central government approval before any returnees are permitted to settle there.

The introduction of these "special procedures," observers note, corresponds with stepped-up guerrilla activity in the four provinces. "The resistance has been successful in rekindling the fears of the Lao government about repatriation," said a U.S. official.

New concerns about the returning refugees have also persuaded the Lao Ministry of Foreign Affairs to withdraw four potential sites in Vientiane and Oudomxay provinces from a list of proposed sites for group settlement. In their joint statement following the fifth tripartite meeting, Thailand, Laos, and UNHCR said they were all of the view "that repatriates should be prepared to return to areas suggested by the Lao government, in the case that they are not able to return to the locations which they previously chose."

Despite the delays and restrictions on the Lao side, "the sites are already there for repatriation," said the Embassy's Brennan. "Things have to start." The U.S. government would obligate the full \$1.5 million that Congress earmarked this year for Hmong repatriation, he said. Brennan admitted some impatience with the process but said, "It's very likely that we underestimate the difficulty of accomplishing a breakthrough like taking the Hmong back." In this regard, he said, the resistance will be a "key element" in creating a climate for or against repatriation.

The Thai government appears to be taking steps to cut off the Laotian resistance once and for all. In an August 17 speech in Bangkok, Thai Foreign Minister Arsa Sarasin said, "Our recent action [to arrest seven suspected saboteurs] has

left those supporters of anti-Vientiane insurgency without any doubt that only constructive cooperation with Laos will be allowed to launch from our soil."

That same day, he told *The Nation*, a Bangkok-based newspaper, that he would meet U.S. Ambassador David Lambertson for talks on the Lao resistance. "Washington should do more to oversee the activities of these people. Thailand values its relations with Laos, and we want to make sure that the resistance movement is a thing of the past."

That, too, is happening, said Brennan. "We are looking into possible violations of the Neutrality Act [which prohibits attempts by U.S. citizens to violently overthrow foreign governments]. We have to communicate to these people that the game is up: either you are a refugee in a camp preparing for resettlement or voluntary return, or you are not."

"We are in a stage where a lot of good things could happen," said Brennan, "or it could all just go flat. If it looks like voluntary repatriation isn't going to happen, then we will have to prepare for large movements of Hmong to the United States."

**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**



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TESTIMONY

of

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Hearing on Indochinese Refugees

April 26, 1994

Subcommittee on Asia & the Pacific
House Committee on Foreign Affairs

Mr. Chairman and members of the Subcommittee: I am Dawn Calabria, the Senior External Relations Officer at the Washington Branch Office of the United Nations High Commissioner for Refugees. UNHCR has agreed to appear here this afternoon because of the importance that we place on providing clear information about UNHCR efforts to protect and assist refugees and asylum seekers around the world, promoting and bringing about wherever possible permanent resolutions of refugee crises.

The Office of the United Nations High Commissioner for Refugees (UNHCR) was set up by the United Nations General Assembly on January 1, 1951 to protect refugees, returnees and displaced persons of concern to the Office throughout the world. UNHCR's mandate makes it responsible for protecting refugees and for promoting durable solutions to their problems through voluntary repatriation, local integration in the country of first asylum, or most extraordinarily, resettlement in a third country. The High Commissioner for Refugees, currently Mrs. Sadako Ogata, is elected by the UN General Assembly on the nomination of the Secretary-General. She acts under the authority of the General Assembly and reports to the Executive Committee of UNHCR. The High Commissioner is represented by some 94 representatives, including 12 Regional Representatives, who cover a total of 171 countries.

UNHCR operations are funded by voluntary contributions from governments, and we depend on governments' willingness to cooperate with us in our efforts to protect and assist refugees, victims of conflict and persecution. UNHCR asks governments to abide by international law and practice, whether or not they are signatories of the 1951 Convention or 1967 Protocol relating to the Status of Refugees particularly by not forcibly returning refugees to where their lives or freedom would be threatened. Thus UNHCR throughout the world seeks to discourage the interdiction and summary return of asylum seekers - whether they come on foot or by boat, whether they are Hmong or Haitian, Vietnamese or Tajik, Bosnian or Cambodian -without efforts to screen such asylum seekers to determine if they would be at risk if returned to their homeland.

UNHCR ACTIVITIES IN THAILAND

UNHCR has worked in Thailand for many years and remains deeply concerned about the plight of asylum seekers in that country, be they Burmese students or Burmese ethnic minorities, Laotian or Vietnamese, Cambodian or members of other nationalities fleeing conflict and persecution. In Thailand, UNHCR tries to provide assistance and protection to several thousand Burmese students and dissidents and some 70,000 ethnic minorities, but does not have a regular presence in the Burmese ethnic minority camps. In late March, UNHCR actively sought permission to protect and aid 25,000 Cambodians forced to flee into Thailand because of internal conflict in their homeland. Despite initial indications that UNHCR would be permitted to assist the Cambodians, mostly women and children, the Royal Thai Government unexpectedly and quickly returned them to areas in Western Cambodia. The High Commissioner publicly and strongly protested this return, since it sent Cambodians into areas not controlled by the Royal Government of Cambodia, and where no international organization was able to assist them.

Today's hearing focuses on the work that UNHCR is doing with Vietnamese and Laotian asylum seekers and refugees in Southeast Asia under the Comprehensive Plan of Action (CPA), an international agreement adopted in June of 1989 by over 70 governments, including the US. The CPA was developed to preserve first asylum in the region for genuine refugees by instituting individual screening of those fleeing Vietnam and Laos, 14 years after the changes of government in those countries. The CPA over time has succeeded in reducing the number of asylum seekers; in 1992, only 55 Vietnamese boat people entered the region, while in 1993, 777 boat people reached Hong Kong and Japan.

In 1989, most governments believed that conditions had improved in Vietnam and Laos and that increasing numbers of persons with primarily economic motivations were mixing in with the flow of refugees. The CPA required all asylum seekers from Vietnam and Laos who reached a country of first asylum between March of 1989 and February 14, 1994, to undergo individual refugee status determination procedures. This process, commonly called "screening", was to be conducted by officials of the host government to determine if the person was a refugee in

need of protection. Each country was to establish a formal appeals process for cases initially rejected. UNHCR's role was to assist the governments in developing and operating the screening process, to provide information and counselling to the asylum seekers, and to monitor the treatment of and to provide assistance to those returned to Vietnam and Laos.

Under the CPA, once someone is determined to be a refugee, he or she is then eligible for international resettlement, but must still be approved by a resettlement country's immigration or refugee officials for admission. UNHCR, under the CPA, seeks to facilitate the international resettlement of refugees. It also facilitates the voluntary repatriation of the screened out population (those failing to meet the refugee definition) and of those refugees who have decided to return home rather than permanently resettle abroad. In Vietnam and Laos, UNHCR monitors the well being of both repatriated refugees and screened out asylum seekers and provides humanitarian assistance to help them reintegrate into their local communities.

VIETNAMESE SCREENING

With the exception of Hong Kong, screening and appeals are expected to be completed for all Vietnamese asylum seekers in Southeast Asia by July of this year. In Indonesia and the Philippines, the process was completed last December. By January 1, 1994, 60,000 Vietnamese have returned home and some 25,000 screened in refugees have been resettled. Another 6,144 screened-in refugees await international resettlement. Thousands more, once all appeals have been exhausted, face return to their homelands, since the governments of the region are not willing to permit them to remain indefinitely in their territories. To date, only Hong Kong has forcibly repatriated screened-out asylum seekers, a process carried out by Hong Kong officials. Indonesia last year agreed with Vietnam to mandatory return of non-objecting screened-out asylum seekers.

UNHCR MONITORING IN VIETNAM

UNHCR has offices in Hanoi and in Ho Chi Minh City whose Vietnamese speaking staff

regularly visit persons repatriated from the camps in Southeast Asia. Where there are high numbers of returnees in a province, sample groups of the returnee population selected by UNHCR are regularly visited in each district. The Memorandum of Understanding with UNHCR that Vietnam signed in 1988 provided for no prosecution of illegal departure and full access by UNHCR to all returnees. Vietnam has lived up to that agreement.

UNHCR gives special attention to allegations of mistreatment of returnees and to people with possible difficulties in reintegration. Some cases have required follow-up due to local misunderstandings, but most have been quickly resolved with the intervention and cooperation of Vietnamese authorities. Returnees in Vietnam receive cash assistance, usually a lump sum of \$360, to assist them in reintegrating and attaining self sufficiency. This assistance is not provided to "double-backers" (i.e. persons who have left Vietnam two times). To aid returnees and the local population in the communities to which people are returning, UNHCR also funds micro-projects in health, education, agriculture, animal husbandry, fisheries, etc.

This year, UNHCR is also aiding in the construction of some temporary housing for the first three months after arrival for families returning to Quang Ninh, Haiphong, Hue, Da Nang and Ho Chi Minh City. The European Union and international nongovernmental organizations have undertaken special training and technical assistance programs to aid returnees and local residents. UNHCR has encouraged and welcomed the arrival of numerous delegations investigating the conditions of returnees. We particularly welcomed the arrival of additional nongovernmental organizations and voluntary agencies to work with returnees and local residents in Vietnam in various assistance, training, technical assistance, credit, education, health, and child welfare related programs. The long-term, on the ground presence of these nongovernmental organization staff, some of whom are Vietnamese-Americans, and their activities have helped to greatly increase international presence and contacts with returnees in Vietnam, as well as providing concrete services to refugees and their local communities in achieving smoother reintegration. Project NARV (Nordic Assistance to Repatriated Vietnamese) has worked with families and returning unaccompanied minor children, a need of particular importance since some 4,000 unaccompanied minors have returned to Vietnam (2,000 unaccompanied minors have been

recommended for resettlement).

JANUARY VISIT OF UNHCR TO VIETNAMESE AND LAOTIAN COMMUNITIES IN WASHINGTON, DC AND CALIFORNIA

This January, UNHCR sent the director of its Asia Division, Mr. Werner Blatter, to Washington, D.C. to meet with representatives of the State Department, Congressional staff, voluntary agencies, human rights organizations, and the Laotian and Vietnamese communities to discuss UNHCR's activities in Southeast Asia, conditions in Vietnam and Laos, and the forthcoming changes in the CPA. Mr. Blatter and Mr. Rene van Rooyen, UNHCR's Representative for the United States, also travelled to California to meet with local government and over 1,300 leaders and representatives of the Vietnamese, Laotian and Hmong communities in San Jose, Fresno, Santa Ana, Westminster, and Orange County, California. UNHCR's message was simple: the situation for asylum seekers has changed. With the imposition of screening in 1989 and the end of that process likely this year, the countries of the region are pressing UNHCR. The governments of the region want to close their camps, and they do not want appeal procedures to go on indefinitely. UNHCR wants to help people find durable solutions - to resettle or to return in safety and dignity to their homelands. Life in refugee camps is not a good long-term option for families. For most people remaining in the camps, UNHCR believes that return home to Vietnam and Laos is now possible. We hope that the process can be virtually completed voluntarily by the end of 1995, but want this process to proceed humanely and are committed to work with governments as long as it takes.

LAOTIAN REFUGEES AND ASYLUM SEEKERS IN THAILAND

The population of Laotian lowlanders and hilltribe refugee and asylum seekers in Thailand registered and living in either Phanat Nikhom or Ban Napho camp was some 25,000 at the beginning of 1994. Thailand had earlier closed Ban Vinai camp in 1992 and Chiang Kham camp in 1993. Phanat Nikhom, where people are in the resettlement process, had some 11,221 hilltribe, mainly Hmong refugees and 182 Lowlanders with another 1270 Vietnamese and 47

Cambodians. Ban Napho, the camp designated by the Royal Thai Government's Ministry of Interior housed 10,209 hilltribe and some 2,791 lowlanders.

Laotian screening was completed by the RTG in October, with 40,898 persons (11,894 cases) screened with 31,858 persons recognized as refugees and 7,575 persons screened out. Some 600 families opted for voluntary repatriation before receiving decisions on their cases.

In addition, some of the Hmong never registered as refugees or came under UNHCR's assistance or protection mandate. Other hilltribe refugees and asylum seekers opted to leave the camps and many are believed to be still living "illegally" according to the Thai government in Thailand. In 1993, 3,925 Laotians returned voluntarily from Thailand to their homeland under UNHCR auspices. Another 265 returned from China. In 1994, UNHCR had some 3,000 Laotians signed up for voluntary repatriation and projected that as many as 6,000 might return voluntarily to Laos.

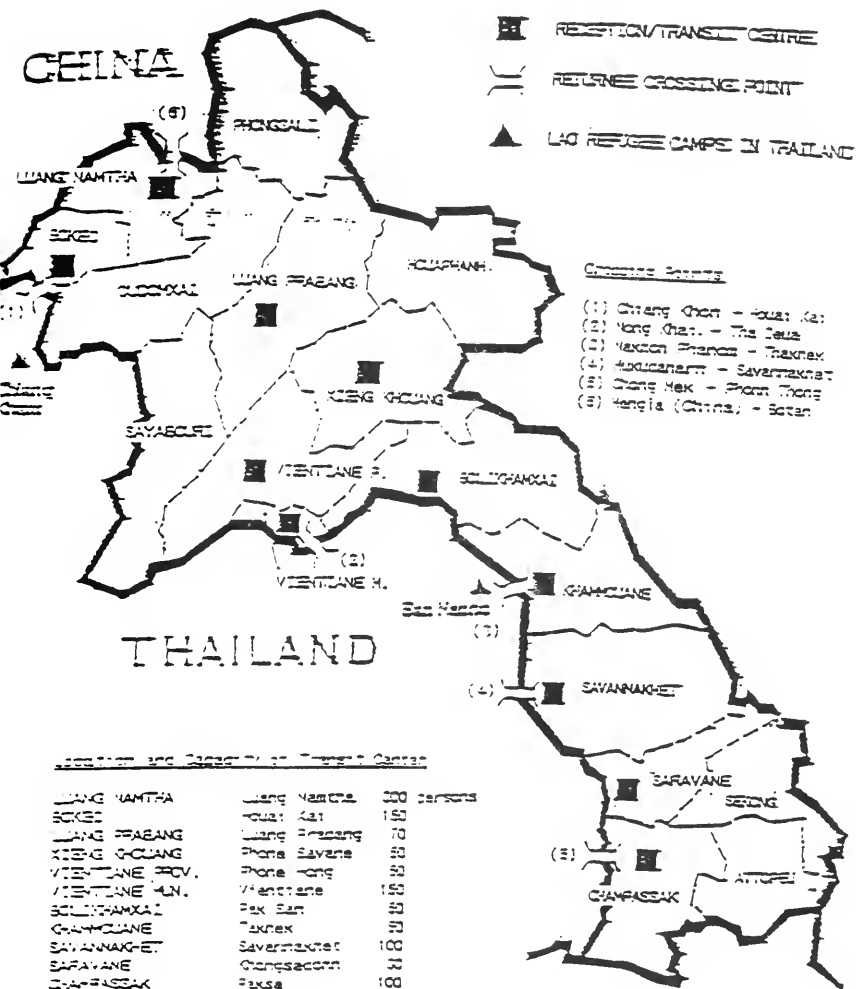
UNHCR MONITORING OF REPATRIATION AND ASSISTANCE IN LAOS

From 1980 until December 1993, some 19,000 persons repatriated to Laos under UNHCR auspices: 16,277 from Thailand and 2,609 from China. 80% of these repatriations have occurred since 1989. In 1993, 4,205 Laotians returned, including 2052 Hmong, 809 of whom were "screened out". Each person voluntarily repatriating under UNHCR auspices from Thailand receives a cash grant of \$120 as well as an 18 month rice ration. In 1993, vegetable seeds and a small kit of agricultural tools and some medicines were added to the package.

After many years outside the country, many returnees have lost their links to home villages or find that their families are unable to assist them. Some returnees want to go to another area where there might be sufficient land or perhaps better opportunities to become self-supporting. UNHCR, with the encouragement of some donors, like the United States, is now concentrating on the creation of new settlements, utilizing where possible nongovernmental organizations. The ngos help prepare the settlements in relatively accessible areas where returnees can receive land, temporary shelter, water, tools and building materials, and where a school can be constructed

RE-ENTRY AND MOVEMENT FACILITIES IN LAOS FOR

ATTACHMENT 1



REFUGEE SETTLEMENTS IN LAOS (NOVEMBER 1993)

	SITE (BAN.)	DISTRICT	PROVINCE	REFUGEE POPULATION (PEOPLE)	MAIN ETHNIC GROUP
1.	PANG BONG	TONK PHEING	BOK	455	YAC
2.	MAISANGKUK	HOUAY	BOK	135	YAC
3.	PANG BANE	TONK PHEING	BOK	50	MUSER
4.	LONG SARIN	TONK PHEING	BOK	184	YAC
5.	MAI KAYSOMECUN	HOUAY	BOK	383	YAC
6.	HOUAY NOI	HOUAY	BOK	95	HMCNG
7.	THONG KAE	XIENG HONE	COX	316	HTIN
8.	DONG LUANG A	PHANG	SAY	503	HTIN
9.	DONG LUANG B	PHANG	SAY	105	HMCNG
10.	VIENG KHAM	PHANG	SAY	274	YAC
11.	NA TAN	PHANG	SAY	171	HTIN
12.	PHON DON TRAN	SINGH	LNT	241	YAC
13.	TONG PHENGILAI	NAN	LPS	319	HTIN
14.	NA SOU	PEK	XXG	92	HMCNG
15.	VIENG KHAM	PEK	XXG	489	HMCNG
16.	SOUKSA	TOULAKHOM	VTE	553	HMCNG
17.	MOUNG SCUM	VANG VIENG	VTE	127	HMCNG
18.	KOUAI	MCUN LAPAMCK	CRK	122	LOWLAND
19.	KHAM EE	KONGSEONE	SAR	117	LOWLAND
20.	SOMPHATILAI	OUTHOMPHONE	SVK	251	LOWLAND
21.	MAI NAMPAKANH	HINEUN	KHA	221	LOWLAND
22.	VIENG KHAM	PAKKADING	BLX	255	LOWLAND
TOTAL REFUGEES IN GROUP SETTLEMENTS				3,734	

and appropriate training provided. 22 new settlements have been established for some 6,000 persons. 60% of the Hmong who returned in 1993 chose to move to new settlements. Two more settlements are in preparation. UNHCR is funding such work by the Consortium from the United States, Concern from Ireland and ZOA Refugee Care of the Netherlands. The International Organization for Migration (IOM), funded directly by the US, is also assisting returnees, by removing military ordinance at Nam Bak, by building a school at Toulakhom, and by looking into irrigation improvements at Vang Vieng and Toulakhom.

This year the European Union will be undertaking a comprehensive new settlement program at Bokeo that could handle 700 families. NGOs working with the returnees in developing the new settlements are frequent visitors at the sites. Their Lao-speaking staff spend long periods of time with the refugees, get to know many of them, and can augment UNHCR's monitoring and assistance efforts. I have included a map of the settlement sites and the regular crossing points from Thailand into Laos (attachment 1). UNHCR staff visit the returnees and videotape returnees' assessment of their lives in Laos, and then arrange for those videos to be shown at Na Pho.

INVESTIGATIONS OF ALLEGED MISTREATMENT / ABUSE

UNHCR has received frequent complaints of mistreatment of refugees and asylum seekers who have returned to Laos, particularly regarding the Hmong and hilltribe community. UNHCR takes such allegations seriously. Wherever there is specific information which permits the identification of the individuals and places involved, UNHCR investigates such charges and has received the cooperation of the Lao government in the investigations. To date, all allegations of mistreatment and abuse have been resolved except the disappearance of Vue Mai, about whom we continue to be concerned and seek information.

Mr. Chairman, with the help of my colleagues in the field, I have prepared a chart tracking 17 of those complaints which may help to allay some of the concerns expressed in various newsletters and publications (attachment 2).

UNHCR BRANCH OFFICE IN VIENTIANE, LAOS
INVESTIGATION OF ALLEGATIONS ON REPATRIATES IN LAO PDR

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NO.	NAME	UN#	DATE/MEMO	INQUIRY SOURCE	CONTENT	INVESTIGATION FINDINGS
1.	Khamphai & others		21 Apr 92 2072	Nong Seng Napho	rice grant only 2 sacks cash not enough	Returnees' misunderstanding. 2 sacks (12 mo) for first installment. 1 sack (6 mo) for second. System not understood well.
2.	KEOPATHOUM, Thao (Houyang, CHIA)	NP16048	24 Mar 92 1722	Nong Seng Napho	arrest upon arrival/killing former village guard double marriage	False rumour. No charge against village guard. No double marriage.
3.	VUE, Nong Thong (Luang Prabang)		04 Mar 92 1198	Chiang Khum	Unfit rice distributed as HCR assistance	Mistake by provincial store-keeper. Unfit rice replaced on 13 Mar 92. Vue happy and well.
4.	XIONG, Por (Luang Prabang)	CSC 595	29 June 92 3246	Nong Seng	Father, XIONG, Nor Soua, not hearing from his repatriated son. Worried he is in trouble.	Por Xiong changed address. Never received father's letter. Happy and well. No persecution. Lives in B. Phou Luang Tai, Chom Pet Dist. LPG.
5.	VANG, Cha Seng VANG, Chong Neng (Luang Prabang)	CSC 557 CSC 593	24 Apr 92 0165	Nong Seng/ Ban Napho	Forced Repatriation.	They wanted to go to USA. Not understand "screened out". Thai MOI used physical force to threaten them to return.
6.	LOR, Long Xang (Vientiane prov.)	CSC 637	02 June 92 2798	US Emb. Bangkok	Tracing, Status clarification.	Changed destination from XKD to VFR. Live in Ket-1, Hom Dist. VFR. No problem with authorities. Ket-1 head asked for tax. Prov. SW will investigate it.

UNHCR BRANCH OFFICE IN VIENTIANE, LAOS
INVESTIGATION OF ALLEGATIONS ON REPATRIATES IN LAO PDR

NO.	NAME	UNF	DATE/MEMO	INQUIRY SOURCE	CONTENT	INVESTIGATION FINDINGS
7.	LAO, Va Yang LAO, Lee Tong LAO, Nor Chor (Xiong Khouang)	CSC 631 (non ref) (non ref)	03 July 92 92/BNP/160	Nong Saeng/ Ban Napho	Arrest by the authorities. Reason unknown (letter from relative in LPDR).	False rumour. XKO SW assured they were not arrested. False rumour. Va Yang LAO wrote letter refuting the rumour. Living in Na Seng, Pek, Dier. XKO, Met Va Yang LAO. Files rumour. Lee Chong (father) & Nor Chor (cousin) arrested. Reason unknown. Non- refugees.
8.	KALA, Sone (Sayaboury)	CA 5551	30 Oct 92 5180	BKK	Cash grant reduced by 1,500 kip. Rice only 45 kg per 3 months.	1,500 kip collected from each returnee for I.D. card for everybody 15 yrs or older. Info should be disseminated better. Rice 5 KG short acknowledged by Prov. Due to lack of rice in market. 2nd batch 50 kg. distributed. 5 kg. to be compensated in 3rd batch (55 kg.)
9.	THAO, Ka Toua VUE, Mai (Vindam P. & M.)	BV 2548 BV 3366	03 Feb 93 Telex THA/LAO/HCR /0021	Ban Napho	Arrest. Presumed source: Freem, USA	False rumour. VUE, Mai informed BO VTE of the rumour prior to BKK's telex on 01 Feb 93. Ka Toua & VUE Mai interview video and still photos taken and sent to BKK.
10.	Bokso fighting (Bokso)		telephone	BKK	Involvement of returnees in the fighting in Bokso Province.	No involvement of returnees. Attack in Toha Phung District confirmed. (Long Sam, Houy Mat Kous) Returnees reported on the incident to the local authorities.

UNHCR BRANCH OFFICE IN VIENTIANE, LAOS
INVESTIGATION OF ALLEGATIONS ON REPATRIATES IN LAO PDR

NO.	NAME	UN#	DATE/MEMO	INQUIRY SOURCE	CONTENT	INVESTIGATION FINDINGS
11.	SOMBAT (Syacenghong?)	non-ref	telephone	BKK	Unauthorized repatriation. Wife/children repatriated under UNHCR on 13 May 93. Husband Sombat (non-ref) smuggled into same movement by Thai MOI.	Sobat illegally worked in Thailand, never sought asylum. He was sent back to Laos through Nongseang. His family has NSC 532, volrep at same day. Went back to Sayaboury prov. Sombat was never on the repatriate list. He tried to escape at Thanalang but was arrested and kept in VMN for approx. 1 month. Later, he was sent to Sayaboury to be reunited with the family.
12.	NA CHAMPASSAK, Sisouk (Champassak)	spont. ref.	02 Apr 93 1346	BKK	Refugee, convicted of life sentence in absentia, elected as Member of Parliament?	Spontaneous returnee, named Sisouk Sriombai, of the Champassak. Elected as a member of the Supreme Assembly. Not the former Minister of Defence, tried in absentia by revolutionary government.
13.	XIENG, Yang Thai VANG, Ma (Mother of above)	BSC 156 BSC 157	25 May 93 letter to US emb, Bkk 26 May 93	US Senator PW Wellstone, St. Paul, MN Lao Family Community of Minnesota, Inc. International Institute of Minnesota (thru US Emb. in VTE)	Tong Wa Vang (uncle of VTX) screening process fault. Family well-being threatened.	VTX & mother Ma Vang (BSC 157) returned 27 Apr 93 to Thonaboon OS, VPR. Signed volrep 11/92. No ill treatment in Laos. Still wish to go to USA. Advised on immigration petition. Assured monitoring. Settlement attracts interest of US and others. No persecution. Working as medic. Settlement info. sent.

UNHCR BRANCH OFFICE IN VIENTIANE, LAOS
INVESTIGATION OF ALLEGATIONS ON REPATRIATES IN LAO PDR

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NO.	NAME	UNF	DATE/MEMO	INQUIRY SOURCE	CONTENT	INVESTIGATION FINDINGS
14.	THIAO, Chong Moua	BV 8628	24 Sept 93 telephone	Chiang Kham	Chong Moua THIAO and Ka Toua THIAO killed / died of mysterious cause.	Ka Toua THIAO sound, recovering from minor motorcycle accident. According to Ka Toua, Chong Moua died of stomach problem at Mahosot Hospital on 15 Sept 93. Met Chong Moua's family. Family confirmed Chong Moua's death cause stomach, not killing. Minor problem with local Lao Loum on burial. Discrepancy in days/hours spent in hospitals. Family wants relative to return and join them. Interview filmed and sent to camps. Chiang Kham memo to BKK by Prachuan. Ka Toua confirms death cause. Burial problem understandable. No problem with local authorities.
15.	(Vientiane Prov.) VUE, Mai	BV 3366	17 Sept 93	US Emb. Vie.	Telex from Emb. Bkk VUE, Mai disappeared/kidnapped. telex THIA/LAO/HCR/M197 telex THIA/LAO/HCR/M199 telex USA/LAO/HCR/1273 telex USA/THIA/HCR/1467 Yang Dao, (Organization of Refugee and National Conciliation) VUE, Ket (San Diego)	Family (Vue Keu) confirms disappearance since 11 Sept 93. Vue Mai received a call from unknown woman and left house at 4 pm. Relative reported to the authorities. MOI & local police investigation no result. No evidence of kidnapping. Lao Gov. emphasizes no hand in the incident. No impact on repatriation applicants seen. Chan (>300) still willing to return if land ready - letter 94/HCR/LAO/MISC/077
	(Vientiane Mun.)		24 Sept 93 28 Sept 93 28 Sept 93 05 Nov 93 18 Nov 93	Chiang Kham BKK Washington Washington		
			05 Jan 94	HQs		

UNHCR BRANCH OFFICE IN VIENTIANE, LAOS
INVESTIGATION OF ALLEGATIONS ON REPATRIATES IN LAO PDR

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NO.	NAME	UN#	DATE/MEMO	INQUIRY SOURCE	CONTENT	INVESTIGATION FINDINGS
16.	VANG, Yong Vang VANG, Lau Vang (Vientiane Prov.)	CA 2901 BV 11578	01 Dec 93	US Emb. Vte. Fax from Thailand.	Conversation with relative (Mr. THAO Gt) and Thai MOI at Chiang Kham camp. Arrest on false accusation of stealing buffalo actually purchased.	False rumour. No ground for areas/buffalo stealing. buying. Family has tractor, no need for buffalo. Happy and well, large house. Crop damage in 1993 from floods. Supplementary assistance provided. Still photos sent to US Emb. & BO BKK.
17.	THAO, Khous Pao (Sayaboury)	BN 8592	18 Jan 94 telex THA/LAO/HCR /0008	BKK	Arrested by Lao authorities	False rumour. Family (3 persons) happy and well, living in Sayaboury provincial capital with relatives.

UNHCR BRANCH OFFICE FOR THAILAND
INVESTIGATIONS & FINDINGS: ALLEGATIONS REGARDING LAO ASYLUM SEEKERS

NO.	NAME	UNHCR #	SOURCE	INQUIRY CONTENT	INVESTIGATION FINDINGS
1.	SRIRATANA, Soukhvane	NK 7267	06 Apr 94 Inquiry from Congressman Clement's Office	removed from Ban Napho by Thai officials and March 94 & turned over to Lao govt.	Last availed himself of UNHCR protection in July 1986. Accepted for resettlement to US 16 April 80. Refused to board bus to Phanat Nikhom 14 Aug 80. Left Ban Napho on 15 July 1986. Whereabouts unknown to UNHCR since that date. Wife (NP 12267) obtained divorce. Was resettled to US with 4 children on 26 June 86.
2.	XIONG, Wa Lao	BSC 1526		Forced Repatriation.	Screened out 11 Feb 92. Applied for vol repat on 23 Sept 92. Changed chosen destination 9 March 93. Approved by Lao authorities 20 April 93. Left illegally Ban Napho on 30 April 93. Entered illegally Phnat Nikhom and was transferred back to Ban Napho on 27 Oct 93. Voluntarily returned under UNHCR auspices to Laos on 28 Feb 94. No allegations of forced repatriation have been confirmed.
3.	XANG, Loi	BSC 304		Forced Repatriation.	Screened out 21 June 91. Applied for vol repat on 29 Sept 92. Changed chosen destination 9 March 93. Approved by Lao authorities 20 April 93. Left illegally Ban Napho on 30 April 93. Entered illegally Phnat Nikhom and was transferred back to Ban Napho on 15 Nov 93. Voluntarily returned under UNHCR auspices to Laos on 16 Nov 93. No allegations of forced repatriation have been confirmed.
4.	VANG, Pao	BSC 216		Forced Repatriation.	Screened out 26 Feb 91. Applied for vol repat on 8 July 93. Left illegally Ban Napho on 30 July 93. Was approved by Lao authorities on 3 Nov 93. Entered illegally Phnat Nikhom camp and was transferred back to Ban Napho on 15 Nov 93. Voluntarily returned under UNHCR auspices to Laos on 16 Nov 93. No allegations of forced repatriation have been confirmed.

UNHCR BRANCH OFFICE FOR THAILAND
INVESTIGATIONS & FINDINGS: ALLEGATIONS REGARDING LAO ASYLUM SEEKERS

NO.	NAME	UNHCR #	INQUIRY	SOURCE	INVESTIGATION FINDINGS
5.	VANG, Cha Seng VANG, Chong Neng SEE ALSO UNHCR BRANCH OFFICE VIENTIANE, LAOS TABLE: CASE NO. 5	CSC 557 CSC 593	Forced Repatriation.		Screened out 20 Sept 91. Applied for vol repat 17 Dec 91 & 24 Dec 91 respectively. Refused to sign immigration form 7 April 92 because still hoping for resettlement, following contract between relatives in US and "Last Freedom Project", promising to get individuals resettled for \$700 each. UNHCR advised them that because they were screened out, they have no chance of being resettled. On 8 April 92, refused to board bus for repatriation. Chong Neng escorted into bus, half carried by two guards, one on each arm. Cha Seng & all family members boarded bus on their own. Both individuals & all family members were then asked to leave the bus to give their fingerprints on the immigration form. They did so and reboarded the bus on their own. All those involved accepted UNHCR assistance money and indicated their preferred destination for repatriation. Before crossing into Laos, all those involved were free to walk around border village and do some shopping.

If you would note, 8 of the allegations related to security of the person (# 2, 7, 9, 12, 14, & 15), yet 7 of the allegations of killings, arrests or disappearances proved false or mistaken after the victims or family members were interviewed. Only in case #15, the disappearance of Vue Mai, UNHCR has been unable to ascertain what happened to him. UNHCR remains concerned about his disappearance and hope that through our various efforts, as well as those of the US government and his family, that we might soon have the answers surrounding his disappearance.

Three other allegations concerned "forcible repatriation" (#5, 11, & 12), where the use of force was claimed by the returnees. In April of 1992, Cha Seng Vang and Cong Neng Vang had been screened out, i.e. were determined not to be refugees. Both wished to go to the US. They told our interviewer in Laos that personnel of the Thai Ministry of Interior had used physical force to threaten them to return. They also told our interviewer that they had not suffered any persecution in Laos. UNHCR informed Thailand about these charges.

The second claim of "unauthorized" forced repatriation in May 1993 involved "Sombat" who was alleged to have been "smuggled" into a UNHCR assisted repatriation by Thai MOI officials. Our interviewers were told by the family that Sombat's wife and children had been in a refugee camp and had asked for voluntary repatriation to Sayaboury. The husband, they claimed, had never sought refugee status, but had been working illegally in Thailand. Sombat was never on the official repatriation list. He was expelled from Thailand on the same day that his wife and children repatriated. He tried to escape at Thanaleng, was arrested and held in Vientiane for approximately one month. He was then sent to Sayaboury where he was reunited with his family.

In the third allegation of forced repatriation, case #13, Vang Thai Xiong had signed for voluntary repatriation in November, 1992 and was returned to Laos on April 27, 1993. They have had no ill treatment in Laos but still wish to go to the U.S. Our staff informed them about U.S. immigration procedures.

Three cases (# 1, 3, & 8) involved problems with repatriation assistance. All were investigated,

and corrective action was taken to provide full assistance to the returnees.

Three cases (# 4, 6, & 10) were general inquiries on tracing, etc. All of the individuals were located; none told of any persecution or problems with the government.

ALLEGATIONS IN THAILAND

Similarly in Thailand, UNHCR has investigated a number of charges. Attached is a table which outlines some of these charges (attachment 3). Four of the cases UNHCR Thailand was asked to look into involved "forced repatriation". After investigation, our Thailand office maintains that only one case indicated the use of force: Cha Seng Vang and Chong Neng Vang who also appear as case #5 on our Lao Report. Chong Neng, in April of 1992, was initially lifted under the arms and carried onto the bus by two Thai officials. Chong left the bus to be fingerprinted and reboarded unassisted and gave UNHCR their preferred destination in Laos. The family also left the bus at the border city shopping area, where repatriates are given part of their repatriation allowance to shop for essentials to take home from Thailand to Laos, Chong Neng then reboarded the bus under his own power. Our office in Laos also investigated this case and confirmed this account. We made representations about this case to Thai officials, since all repatriation under the agreement between Thailand and Laos is to be voluntary.

The most recent case involved Xiong Wa Lao on February 28, 1994. UNHCR offices are still looking into this case, as they will investigate any others which are raised as a result of this hearing or from inquiries to our offices.

FEBRUARY CPA STEERING COMMITTEE MEETING

In February, UNHCR facilitated the fourth session of the Steering Committee for the CPA, which adopted a two year plan that focused on completing screening procedures and implementing the resettlement or voluntary repatriation of the remaining 60,000 persons in temporary asylum in the region by the end of 1995. A copy of the formal statement is attached

to my testimony (attachment 4).

The Steering Committee reaffirmed its view that status determination had been carried out in accordance with established refugee criteria and that CPA procedures required only one level of appeal. The governments participating endorsed the reduction of repatriation assistance to Vietnamese returnees from \$360 to \$240, where the return took place more than 3 months after the final decision. Vietnam's cooperation in receiving returnees and in facilitating UNHCR's monitoring responsibilities for returnees was acknowledged, while UNHCR and donor countries were encouraged to assist Laos to increase its capacity to absorb and successfully reintegrate a higher number of returnees. Technical meetings in the region to facilitate CPA activities were recommended and the first is now planned for June.

Mr. Chairman and members of the Subcommittee, UNHCR is an international organization that depends upon the support of governments and the willingness of governments hosting refugees and asylum applicants, or admitting returning refugees, to abide by international humanitarian law and practice and the international conventions on refugees. Without the active interest and political and financial support of governments and the public, it would be impossible for UNHCR to do its job. We try to work for the benefit of refugees as an intermediary among the at times various and conflicting interests of the international community, regional governments, international and local public opinion, refugees, returnees and asylum seekers and political and advocacy organizations in the home country or abroad. At times our officers, since they are human, may make mistakes; some may make statements that reflect their frustration rather than the goal and intent of UNHCR to aid refugees. We must keep trying to improve our performance. But we cannot forget that a dozen members of our staff have recently lost their lives in efforts to protect and assist refugees in the former Yugoslavia, in Rwanda and Somalia. Larger numbers of our staff have suffered serious harm to health and family well being by prolonged service in the field under very difficult circumstances. Despite these difficulties, our main purpose remains the protection of refugees, wherever we can.

Mrs. Ogata in her remarks to the Fifth Steering Committee meeting on the CPA said,

"...we should be under no illusion with regard to the magnitude of the task which lies ahead of us. As we approach the end of the CPA our collective endeavors will require perseverance and clarity of purpose. We are dealing with individuals whose hopes and aspirations have been shaped by years of history and often colored by false expectations. Many individuals still believe that life in the camps is better than what lies ahead should they return home. Many still dream of resettlement.... I hope that the same humanitarian spirit which has guided first asylum countries in their response to the Indochinese refugee problem will continue to be applied to all groups of asylum seekers in the region, regardless of their country of origin."¹

Hopefully with the continuing interest and support of the Congress of the United States, the executive branch and the American public and the Vietnamese and Lao American community, UNHCR and the international community can do a better job in dealing with the myriad issues that effect refugees and asylum seekers not only in Southeast Asia but throughout the world.

¹ Opening Statement by Mrs. S. Ogata, The United Nations High Commissioner for Refugees at the Fifth Meeting of the Steering Committee of the International Conference on Indochinese Refugees, Geneva, 14 February, 1994



**TESTIMONY OF VANG POBZEB,
CHAIRMAN, LAO HUMAN RIGHTS
COUNCIL, INC., IN THE
UNITED STATES**

on

**Human Rights Violations, Evidence of Forced
Repatriation of Laotian Refugees, and the
Disappearances and Murders of Returnees
in Laos**

**Before the
Subcommittee on East Asian and Pacific Affairs,
U.S. House of Representatives
Rayburn Building, Room 2172
April 26, 1994**

Testimony before the Subcommittee on East Asian and Pacific Affairs U.S. House of Representatives

By: Dr. Vang Pobzeb, Chairman of the Lao Human Rights Council, Inc., in the United States; Head of the Delegation on Behalf of Lao/Hmong People in the World to the Conference of the Working Group on Indigenous Populations of the United Nations, Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, Geneva, Switzerland, July 19-30, 1993, and one of the participants who drafted the Declaration on the Rights of Indigenous Peoples; Ph.D. Candidate in International Human Rights Law, Refugee Laws, Global Human Rights, World Politics and Southeast Asian Politics, Chinese Politics and Third World Politics at the Graduate School of International Studies, University of Denver, Denver, Colorado. Vang Pobzeb is also Chairman of the Hmong Council Education Committee under the Hmong Council, Inc., in the United States, as well as the Head of the Delegation to the Ban Vinai, Napho and Chiang Kham Refugee Camps in Thailand, on fact-finding missions from February 7 to February 17, 1992.

Executive Summary

1. Causes of Refugee Crisis

Mr. Chairman and Members of this Subcommittee, my name is Vang Pobzeb. I am a Lao/Hmong citizen. I am a former soldier under the Special Forces in the Second Division in Long Cheng, Laos, from 1971 to 1975. I was one of many thousands of victims of North Vietnamese aggressions, oppression, occupation, invasion and massacres in Laos in 1975. On May 29, 1975, the North Vietnamese and the Communist Pathet Lao government soldiers massacred approximately 200 Hmong people, including civilians, in Him Heup, Northern Vientiane, Laos. The North Vietnamese and Communist Pathet Lao aggression, which has been occurring since May 1975, is the main reason for nearly 500,000 Laotian people becoming international refugees. The North Vietnamese and Communist Pathet Lao soldiers took over Laos through internal subversion and external military invasion and aggression. They violated the Paris Peace Treaty on Indochina and the Vientiane Peace Agreement on Laos of 1973. The North Vietnamese and Communist Pathet Lao regimes violated the Eighteen Points on Peace and National Reconciliation on Laos of May 1974. The American government respected the Paris Peace Agreement and the Eighteen Points on Laos.

The American government pulled out its advisers and military personnel from Laos completely in 1975. The North Vietnamese and the Communist Pathet Lao troops invaded and occupied Laos by aggression, and has been committing genocide and other human rights violations. Their actions are the cause of the Laotian refugee crisis, which has been in existence since the end of the Indochina War. The Laotian refugees desire international protection under the Charter of the United Nations and the Universal Declaration of Human Rights.

From May 1975 until today, the Communist Pathet Lao government and the North Vietnamese government have killed, tortured and executed, and massacred more than 300,000 people in Laos. Of this figure, 46,000 were former soldiers, officials, military officers of high rank, and family members of former soldiers under the Royal Lao Government. In 1976, the Communist Pathet Lao government imprisoned and killed King Savang Vatthana, the Queen, and other members of the royal Family, as well as many high officials. These actions were international human rights violations and international crimes against humanity that are not acceptable to the people of Laos. Again, these actions caused the Lao refugee crisis, which has existed since 1975. As a result, the Lao/Hmong refugees are political refugees. The refugees desire international protection just as was given to the Kurdish people in Iraq, under the Charter of the United Nations and international human rights laws.

2. **Forced Repatriation: 4,500 Refugees**

Mr. Chairman and Members of this Subcommittee, I am pleased to have the opportunity to ask you for human rights, peace, freedom and democracy for the Lao/Hmong people in Laos, the Lao/Hmong refugees in Thailand, and Lao/Hmong returnees in Laos. Under the Charter of the United Nations and the Universal Declaration of Human Rights, forced repatriation must not be used against the more than 2,500 screened-out Hmong refugees in the Napho Camp. The officials of the U.S. Department of State, UNHCR and Thai government have declared that those screened-out refugees shall return to Laos under the "mandatory return" (forced repatriation) policy. The refugees oppose forced repatriation, unfair screening procedure, and the use of food as a political weapon to pressure them to register for voluntary repatriation.

Evidence of forced repatriation is well-documented and reported by both private and government sources. The Women's Commission for Refugee Women and Children under the International Rescue Committee in New York released a report in January 1991, of the forced return of 122

persons, including 40 screened-out Hmong refugees, to return to Laos. The Women's Commission confirmed that:

In January 1991, forced repatriation from Chieng Kham and Ban Napho took place in the middle of the night, giving families no time to prepare, and causing tremendous fear within the community.

In June 1992, the officials of the U.S. Embassy in Bangkok released a report which said that:

The investigation confirmed that 59 screened-out Hmong and Mien (Yao) living in the Chieng Kham Screening Center had been assembled on short notice in the pre-dawn hours of January 18 [1991] for deportation to Laos. Camp guards bearing arms did not give the screened-out asylum seekers time to pack all their belongings.

On January 29, 1991, Mr. Lionel Rosenblatt, Director of Refugees International, released a report that on January 21, 1991, authorities forced 46 screened-out refugees from the Chieng Kham Camp to Laos.

Two women conducted a research and fact-finding mission in the Chieng Kham and Napho Camps in Thailand from February to July 1992. The two women released a report in May 1993:

The majority claimed they wanted to resettle in the U.S., not return to Laos, which was their only remaining option. Some claimed that they would sneak out of the camp. Others threatened suicide . . . Men worry about their personal safety more than women: They fear arbitrary arrests by the Lao government.

Fifty percent of those surveyed by the two women stated that they "worry about being captured, arrested, killed and separated from family members."

The women's project also confirmed that Thai authorities put many refugees in prisons and force them back to Laos. The project was financed and supported by the United Nations.

The Philadelphia Inquirer of February 27, 1994, confirmed that government officials and authorities forced Mr. Vang Thai Xiong and 400 other non-volunteer refugees from the Napho Camp, Thailand, to Laos,

on April 27, 1993. Vang Thao Xiong informed others that he never registered for voluntary repatriation. He told this truth to his uncle, Tong Wa Vang, of St. Paul, Minnesota.

Mr. Moua Nhia Lue complained about the forced repatriation of Vang Thai Xiong. On April 28, 1993, officials and authorities of the Thai government and the UNHCR put Moua Nhia Lue into prison in the Napho Camp. On May 4, 1993, the government officials forced Moua Nhia Lue to return to Laos. He was a screened-in and legal refugee. Vang Thai Xiong and Moua Nhia Lue served in the armed forces in Laos before 1975. Family members of Vang Thai Xiong and Moua Nhia Lue are in St. Paul, Minnesota. On November 16, 1993, government officials and authorities forced Mr. Lor Xang and Pao Vang, from the prison in the Napho Camp, back to Laos. The victims have brothers and other family members in Sacramento, California, and Eau Claire, Wisconsin. On November 25, government officials forced Mr. Lee Wa Kao from the Napho Camp to Laos. This victim has family members in Eau Claire, Wisconsin. On December 21, 1993, government officials forced Mrs. Mee Yang from the Napho Camp to Laos at 3:00 a.m. This woman has parents in Sheboygan, Wisconsin. Her father was a soldier under the Special Forces in Laos before 1975. On December 22, 1993, government officials forced Mr. Pa Sa Lor and his family members in the Napho Camp to return to Laos. These victims are legal, screened-in refugees. Mr. Pa Sa Lor was a soldier under the Special Forces and CIA in Laos from 1972 to 1974. His son-in-law and family members are in Fresno, California.

Mr. Xay Chou Her and his family members have been legal, screened-in refugees since June 2, 1992. However, the government officials did not permit them to join other family members in Banning, California. Xay Chou was an employee for the United States Agency for International Development (USAID) in Laos from 1968 to 1975. He was formerly under the Special Forces in Laos from 1961 to 1967. Mr. Xay Chou Her and his family members are currently facing forced repatriation from the Napho Camp to Laos in the near future.

On February 27, 1994, government officials forced Mr. Wa Lor Xiong and Wa Chue Kong, along with their family members, from the Napho Camp to Laos. Wa Lor Xiong had been in prison since being forced to move from Phanat Nikhon Center to the Napho Camp in October 26, 1993. Wa Lor Xiong has parents and brothers in Wausau, Wisconsin. Wa Chue Kong has brothers and other family members in Green Bay, Wisconsin. Mrs. Chia Lee was also forced to return to Laos on February

27, 1994. This victim has family members, including brothers, in St. Paul, Minnesota.

Mr. Chairman and other Members of Congress, more than 4,500 cases like those I just listed occurred between January 1991 and February 1994. Approximately 50,000 of 61,000 refugees are scheduled to be forced to return to Laos between 1994 and 1995.

3. Unfair Screening Procedure and Corruption

Mr. Chairman and other Members of Congress, many reliable sources, including reports from the victims of forced repatriation, eyewitnesses, and family members of the victims, have confirmed that the screening-out procedure has become a corrupt procedure for forced repatriation. Many refugees, who were victims of forced repatriation, did not sign nor put their fingerprints on the Application for Voluntary Repatriation. For example, officials and authorities of the Thai government and the UNHCR put the name of Mr. Pao Vang (BSC 216) onto the Application Form of the UNHCR without the approval and consent of the victim. In fact, there are many hundreds of cases like that of Pao Vang. On November 16, 1993, government officials and other authorities forced Pao Vang and Lor Xang from the prison in the Napho Camp back to Laos. On July 16, 1992, authorities of the Napho Camp wrote 132 names of the heads of families (BSC) on the papers for Voluntary Repatriation to return to Laos. This was forgery. Approximately 900 non-volunteer refugees had their names forged in this way. These forgeries caused 2,500 refugees in the Napho Camp to demonstrate against the unfair screening procedure of Laotian refugees in Thailand, as "extortion and bribery." Refugee Reports of January 28, 1994, confirmed the statement of one Hmong refugee who said:

I was not willing to sign up for repatriation, but I saw my name on an April 21, 1993, repatriation list. I did not want to go back. I was afraid I would be put in jail, so I left the camp on April 26 . . . I do not believe that Lor Sang signed up for repatriation. He was told that he would stay in jail until he repatriated. I feel that I have been done an injustice.

Again, Mr. Chairman and other Members of Congress, there are many hundreds of cases similar to this one. Such occurrences are not acceptable to the refugees. They are examples of the corrupt and unfair screening determinations and procedure.

4. The Lao/Hmong Refugees do not want to return to Laos

Mr. Chairman and other Members of Congress, the Lao/Hmong refugees in Thailand oppose forced repatriation, the unfair screening procedure, and the change in policy from Voluntary Repatriation to Forced Repatriation, for the following reasons:

(1) The Communist Pathet Lao government tortured, imprisoned, persecuted and murdered 800 to 2,000 Hmong returnees in Laos between 1989 and 1991. Seven returnees who survived provided first-hand information and eyewitness evidence of the human rights violations in Laos.

(2) On September 11, 1993, Mr. Vue Mai "disappeared" in Laos. The Communist Pathet Lao government, UNHCR, Thai government and U.S. Department of State are responsible for the disappearance of Vue Mai, as well as the disappearances of many thousands of other returnees in Laos.

(3) There are no human rights, no peace, no freedom, no democracy and no safety in Laos.

(4) The officials of the UNHCR and the U.S. Embassy in Laos cannot guarantee nor monitor the safety and human rights of returnees. They could not guarantee the safety of Vue Mai or the thousands of other returnees who have disappeared.

(5) The officials and policymakers of the United States Department of State said on January 31, 1994, that: "The Lao People's Democratic Republic (LPDR) is a Communist, one-party state. The Lao People's Revolutionary Party (LPDR) is the primary source of political authority in the country. The party's leadership imposes broad controls on Laos' 4.5 million people." This is true evidence that there is no freedom and that there are no human rights in Laos. The Communist Pathet Lao government not only controls the freedom of the returnees, but it controls the freedom of 4.5 million people already in Laos.

(6) The officials and policymakers of the U.S. Department of State reported that: "There are no domestic human rights groups. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles . . . Laos generally does not cooperate with international human rights organizations."

(7) There are about 70,000 North Vietnamese troops who are still stationed inside Laos. There are now about 500,000 North Vietnamese people in Laos, who have been there since 1975.

5. Proposals and Recommendations for Solving the Problem of the Lao/Hmong Refugee Crisis in Thailand and Returnees in Laos

Mr. Chairman and other Members of Congress, I am pleased to have the opportunity to propose and recommend solutions to the problem and answers to the questions regarding the Lao/Hmong Refugee Crisis and the situation of the returnees in Laos. Solutions must be based on the following Six Points:

1. The U.S. government and the United Nations must pressure Laos that all North Vietnamese troops be removed from Laos completely and unconditionally, before further repatriation of refugees back to Laos continues to take place.
2. Peace, democracy, human rights, freedom, justice and safety, must be promoted and guaranteed in Laos, like it has been in Cambodia, before repatriation of refugees from Thailand to Laos continues.
3. The U.S. government, United Nations, and the Lao Human Rights Council must form a joint delegation to go on fact-finding missions together, both to the refugee camps in Thailand and to locations in Laos, to investigate forced repatriation and the safety of the returnees in Laos, before the repatriation of refugees from Thailand to Laos continues.
4. The U.S. government, United Nations, and the Lao Human Rights Council must cooperate to form an International Human Rights Commission to monitor and to guarantee peace, human rights, freedom, safety and security for returnees in Laos, before the repatriation of refugees from Thailand to Laos continues.
5. The U.S. government and the United Nations must find land for the refugees to stay on, if points #1 through #4 are not done. The Kurdish people in Iraq desire international protection, and so do the Lao/Hmong refugees in Thailand and Lao/Hmong returnees in Laos.

6. The U.S. government must be responsible for and welcome all Lao/Hmong refugees from Thailand and from Laos into the United States, for resettlement, family reunification, and for political reasons and fear of persecution, because of the past connections between the Lao/Hmong people and the American Government during the Vietnam War, if points #1 through #5 do not occur.
7. The problems of the Lao/Hmong Refugee Crisis and of the Lao/Hmong refugees in Thailand and returnees in Laos must be solved in accordance with the Eighteen Points of September 14, 1991, and Seven Points of March 7, 1994, which were published in the Congressional Records of October 3, 1991, and March 24, 1994.

Conclusion

Mr. Chairman and other Members of Congress, I come here to appeal to you for peace, freedom, human rights, democracy, justice, survival, family reunification, and humanitarian assistance.

Thank you so much.

Vang Pobzeb
Chairman
Lao Human Rights Council, Inc.
in the United States

Hmong refugees appeal for human rights and peace: fourteen points

Mr. President, and Senators and Representatives in the U.S. Congress, we, the Hmong refugees in the camps in Thailand and the Lao Human Rights Council hereby request that you consider the following actions in order to save lives of Lao/Hmong refugees. We appeal that you who have been our friends and supporters to please take the actions listed below.

1. Insistently oppose forced repatriation of Hmong refugees from the camps in Thailand to Laos. Those potential victims of forced repatriation from Thailand to Laos must have the right to join their family members and freedom of resettlement in the United States and other third countries.
2. Insistent that only truly voluntary repatriation occurs and that the Tripartite Agreement of 1991 be abandoned.
3. Affirm that the U.S. government and the U.N. Commissioner on Human Rights will stop forced repatriation and will investigate persecution and murders of returnees in Laos.
4. Call upon the U.S. government, Thai government and the UNHCR to grant refugee status and permission for Hmong refugees who arrived in Thailand without regarding the period when they arrived there.
5. Call upon the United States government and international communities and organizations to provide humanitarian emergency assistance and budget to the save lives of the refugees who feared forced repatriation and escaped to many displaced areas inside Thailand and along the Thai-Lao borders, as well as the refugees inside the camps in Thailand.
6. Call upon the U.S. government, U.N. Security Council and the General Assembly to force all the Vietnamese troops who are critical factors in the on-going refugee crisis, to leave Laos before the repatriation of Hmong refugees from Thailand to Laos continues.
7. Call upon the U.S. government and United Nations to investigate and to stop the use of food as a weapon with which to punish Hmong refugees in the camps and force them to return to Laos. These are inhumane acts.

8. Call upon the High Commissioner of the UNHCR, Royal Thai Government and the U.S. government, and members of the United Nations, to establish a permanent Human Rights Commission to monitor and to guarantee peace, safety and human rights for the Hmong returnees and people in Laos.
9. Call upon the High Commissioner, U.S. government, and Royal Thai Government to join in a delegation which includes members of the Laotian-American communities and the Lao Human Rights Council which would visit the refugee camps in Thailand and resettlement areas of Hmong returnees in Laos as a fact-finding mission investigating the unsolved problems of refugee.
10. Call upon the United States government and the United Nations to approve and to set up the Orderly Departure Program (ODP) which would allow Hmong and Laotian returnees, refugees and other people in Laos to leave directly from Laos for family reunification and political asylum.
11. Call upon the U.S. government and the United Nations to resolve the problems of the Laotian refugee crisis in the camps in Thailand based upon the Eighteen Points of September 14, 1991, which were published in the Congressional Record of the U.S. Congress on October 3, 1991, and Seven Points of March 24, 1994.
12. Call upon the U.N. Security Council and the General Assembly to bring peace, human rights and political stability to Laos as was done in Cambodia before repatriating all the Laotian refugees from Thailand back to Laos.
13. Call upon the United Nations, Thailand and the United States to allow all refugees the opportunity for family reunification and resettlement in third countries.
14. Call upon the United Nations, Thailand and the United States to allow opportunity for all refugees to have freedom of residence, freedom of movement and political asylum according to Articles 13, 14, and 15 of the Universal Declaration of Human Rights. Call upon the United States and the United Nations to find a land or location for the refugees to stay temporarily because of political reasons.

Conclusion

Please help us place get put in place an immediate moratorium on the repatriation of Lao/Hmong refugees and asylum seekers. The lives of human beings are far more important than agency goals, artificial deadlines or the economic benefits of trade with the Pathet Lao government. There is strong evidence that the Thai government is practicing "forced repatriation" of Lao/Hmong refugees, with the cooperation of UNHCR and elements of the U.S. State Department. Moreover, it is increasingly apparent that repatriated refugees face great danger, hardship and even death in Laos. It is very clear that neither the UNHCR nor anyone else can effectively protect returnees. When they are unable to protect a high profile returnee, such as Vue Mai, their claims that they oversee and protect other less visible returnees are not credible.

The Hmong are political refugees because of their alliance with the United States during the Vietnam War. We believe that members of the United States government promised to allow us to emigrate, if the communists came to power in Laos. We, the Hmong, are now asking you to keep the promises which we believe were made to us when we became allies of the United States. Please help protect our friends and relatives, and help us to reunify our families through immigration to the United States and elsewhere.

The moratorium which we are requesting would allow time for completion of thorough and fair fact-finding missions. It would also allow time for the establishment of a permanent Human Rights Commission which could monitor events in Laos and help to protect the Hmong.

Please stop the sorrow and desperation which has caused Hmong-Americans to send bribe money to corrupt officials who promise that the money will buy protection for their loved ones still in Thailand. And the even greater pain which comes when the Hmong-Americans discover that their money is gone and their relatives have been "forced" back into Laos, often surreptitiously, under cover of darkness by the same officials who demanded the bribes.

CONGRESS OF THE UNITED STATES
Committee on Foreign Affairs
Subcommittee on Asia and the Pacific
Hearing on Indochinese refugee issues

HMONG

by

Dia Cha, M.A.

Hmong National Development, Inc. &
Refugees International

April 26, 1994

HMONG

INTRODUCTION

Thank you, Mr. Chairman and the respected members of the House of Representatives for inviting me to testify on behalf of the Hmong National Development, Inc. and Refugees International. I also want to thanks Mr. Lionel Rosenblatt for his commitment in helping to have the Hmong's voices heard since 1975 and for sponsoring me to testify today. We are grateful for all that he has done for the Hmong people.

I would like to begin by telling you briefly about myself. I am Hmong and came from Laos. During the Indochina war, my father was a soldier in the U.S. directed and funded "Secret Army" led by former General Vang Pao. In 1972, my father was missing in action. Even today, my family still doesn't know if he is already dead or still alive.

In 1975, my family fled to Thailand where we lived in the refugee camps for four and a half years before coming to the U.S. During the last 15 years that I have been to this country, I have worked with various refugee resettlement programs and have been trained as a sociocultural anthropologist.

In 1992, I was a researcher for The Needs Assessment of Refugee Women Repatriating to Laos Project, and Ms. Jacquelyn Chagnon was my consultant. This project was funded by the United Nations Development Fund for Women and executed by the American Friend Service Committee. The purpose of this project was to assess the needs, concerns and protection issues of Lao and Hmong refugee women repatriates in the refugee camps in Thailand and in Laos. This project began in February, 1992 and ended in August, 1992. I spent three months in Chiang Kham Refugee Camp, two weeks in Ban Napho Repatriation Center, two days in Ban Vinai Refugee Camp, and two weeks in Laos. I had been back to Laos twice in 1992 on official visits and once in 1993 to visit my relatives.

The main source of information for my testimony today is drawn from interviews and my personal observations during the Needs Assessment of Women Repatriates Project.'

HMONG BACKGROUND

In the Indochina war, the Hmong was the closest ally with the U.S. In Laos, where no U.S. military was present, the Hmong served as substitutes for American troops in fighting off the North Vietnamese army. They rescued American pilots; they took casualties proportionally ten times greater than the Americans; Two generations of Hmong males were decimated. Considering their extraordinary association with the United States during the war, the Hmong should remain a population of special concern.

There are about 40,000 Hmong refugees from Laos in Thailand. About 30,000 of them still live in the camps, some screened-in and eligible for resettlement in the U.S., but they do not wish to resettle at this time; some are screened-out as nonrefugees and may have to repatriate. About 10,000 are living illegally in Thailand and under increasing pressure to turn themselves in to the refugee camps.' The majority of these people want to repatriate, but they want to wait until the political and economic conditions in Laos have changed. Some of these people, especially the screened-out refugees, want to resettle in the U.S., but they either not qualify or have been denied admission to the U.S.

The UNHCR and U.S. officials often stated that the 40,000 Hmong in the camps have been given opportunity to resettle in the U.S., but many of them just do not want to come. This is not a true statement because not all the Hmong in the camps have had this opportunity. The screened-out refugees do not have it. A lot of female heads of households whose husbands died during the war and who have no immediate family members in the U.S. do not have this resettlement opportunity.

There are Hmong and non-Hmong people in the U.S. who claim that the Hmong refugees--meaning all--do not want to repatriate to Laos. But in reality, there are Hmong in the camps who sincerely and honestly want to return to Laos, and a lot of them had already done so. What they want from us--the Hmong in the U.S., the U.S. government, and the UNHCR--is not to stop them from returning but to advocate on their behalf for security protection and economic development.

QUESTIONS

What is the U.S. doing to preserve free choice for the Hmong refugees in Thailand who wish to return to Laos when conditions permit?

How can Hmong who formerly worked for the U.S. funded and directed "secret army" be screened out as non-refugees?

What is the reason for disallowing or disapproving mothers, wives, and children of Hmong men who formerly worked for the U.S. "secret army" to resettle in the U.S.?

What has the U.S. done in terms of developing protection procedures for Hmong repatriates?

What has the U.S. done to protect the screened-out refugees from being forced to repatriate?

REPATRIATION

The issue of repatriation remains highly sensitive within the camps (and among the Hmong in the U.S.). Camp authorities assure Hmong refugees they have nothing to fear and claim refugees are only using fear as an excuse to remain in the camps. Hmong refugees insist their fears are real, pointing to their own past histories or stories coming out of Laos. Thus, many Hmong refugees remain skeptical and even hostile to any repatriation discussion. If I want to talk about repatriation issues, I could interview only the people who had already volunteered to repatriate at the time and people who were willing to discuss such issues. I highlight below the significant points:

- Women are not represented on administrative camp bodies and have few opportunities to express their desires and concerns regarding resettlement or repatriation.
- Women want gender-sensitive female facilitators who can help them make appeals or inquiries and provide them information about resettlement and repatriation.
- When deciding about their futures, Hmong women show concern about their families' welfare, while Hmong men place high priority on cultural preservation and political power.
- Repatriating women fear their survival and farming skills are too limited and that their families will suffer.
- Repatriating Hmong women, fearing for the security of male family members, do not want to get caught between conflicting sides again.
- Incidents, attempts and threats of suicide among Hmong women in tension-ridden Napo camp are far too frequent and often stem, say female residents, from frustrations about male decisions on repatriation and resettlement.
- Women claim to have limited information about their options and status, and about realities in Laos, as authorities mainly address males who do not readily share the information.
- Most adult women have not attended literacy or adult education programs or skills training within the camps because of the relevancy of the classes and the lack of time, child care, and education.

- Many women, especially those under 30 years of age, do not have basic survival and income-generating skills needed in Laos, such as rice farming, gardening, and livestock raising.
- Widows, divorced and single women have two significant fears about repatriation: who will help them resettle and build a house, and how will they earn a living.
- Widows, divorcees women of polygynous marriages are particularly vulnerable to having their traditional family support and protection mechanisms broken apart inadvertently by resettlement and repatriation processes.
- Upon returning to Laos, Hmong repatriates expect UNHCR protection and outside assistance for at least five years.
- Men worry about their personal safety more than women: they fear arbitrary arrests by the Lao government and backlashes from resistance activities.
- Hmong refugees in the camps know very little about U.S. immigration regulations and admission procedures; some believe their relatives in the U.S. can just buy them a passport to bring them to America.
- There are so much misinformation and misintepretation going on in the camps that it is extremely difficult for illiterate Hmong refugees to distinguish what is fact or rumor.

GENDERS PREFERENCES: REPATRIATION OR RESETTLEMENT

In the refugee camps, few Hmong women held leadership positions. Women make up far less than their proportions in almost every important camp programs. In primary school, boys outnumber girls in school, and the gap increases with grade level. Adult males in the camps outnumber females in all skills training and literacy programs. The more important the program, the less likely that women are a part of it. More than often, their voices are absent in decisions affecting, not only their lives in the camps, but also the issue of relocation itself. Technically, all the Hmong who have refugee status or have been screened-in are eligible to apply for resettlement. From the women's viewpoint, resettlement is tied to marital status and relationship. Three examples below illustrates the dilemmas Hmong women in the camps face with relocation, and their power to choose options.

A woman is wedded to an opium-addicted husband, and they have been denied resettlement opportunity because of his addiction. She wants to dissolve the marriage, and independently apply for resettlement but the camp authorities will not grant her a divorce without her husband's consent.

The first wife in a long-term polygynous marriage is divorced by her husband because he intends to resettle to the U.S. which recognizes only monogamous couples as legal. He has decided to take his second wife to the U.S., and so is granted a divorce for wife #1. She applies for resettlement but is denied on the grounds that she is not a legitimate "refugee" and would not be in danger if repatriated to Laos.

A Hmong man had worked for the U.S. "secret army" and for the resistance group in Laos for eight years before fleeing to Thailand. He died in Ban Napho camp from sickness while awaiting to be screened. Shortly after, his widow was screened-out. She had only one daughter who married to a screened-in man, so they were eligible to apply for resettlement. Camp authorities told the widow she had to return to Laos because she was screened-out. They told her she would not be persecuted by the Lao government because she was a woman. The widow said she lost everything due to the war. She lived with her husband in the jungle in Laos for eight years while he was in the resistance group. She believed she had suffered the same degree as her husband or as any other wife whose husband was in a war. She threatened to commit suicide if camp authorities continued to pressure her to repatriate.

These are common scenarios in the camps that underscore refugee women's special vulnerability. If there are women in camp leadership positions, they would likely to be sensitive to and advocate for the refugee status of the refugee woman whose former marriage to an agitator will likely make her an outcast in Laos.

If camp authorities validated women's views and consulted them about their relocation preferences, it would become clear--as it did in my interviews--that Hmong women and men have very different concerns and decision-making rationales about repatriation and resettlement.

Most older Hmong men in the camps talked about resettlement and repatriation in the context of how they could maintain their own cultural identity and political sovereignty. Men expressed strong desires to "preserve" culture, and culture for them meant practices such as burial rituals, social customs such as polygyny, and social relations such as the authority of men over women.

In regards to resettlement to a third country like the U.S., Hmong men expressed grave concerns over issues involving women. Issues that they often raised included fears that they would lose control of their wives: what if their wives had affairs with American men or abandoned them and their families. Men know that, in America, if a man fights with his wife, she might call the police. By contrast, Hmong men expressed few concerns about

their women in repatriating to Laos. While some men worried that they may be arrested, killed or punished if they return to Laos, they expressed no such concerns about their women and children. They did not raise the question of what would happen to their family if something happened to them.

As a result, Hmong men want to return to Laos, not go to America or a third country in the West. Hmong men reasoned that in America, women are too free. They do not like the idea of "paying for houses, water, electricity, land, etc. as one does in America."

Having some political power is very important to Hmong men. They believe in America they can never become a governor or councilman even if they gather a large Hmong population into a city. But if they return to Laos, they are guaranteed an official position by the resistance group. If they live in a large Hmong village, they may at least gain the position of a village headman. They are able to have more upward mobility opportunities within government in Laos. It seems that from Hmong men's perspective, political power equals prestige and authority.

Hmong women, on the other hand, do not place cultural preservation as a priority, but improvement to their and their children's lives as a high priority. A return to Laos appears to many women to be a regressive move, in which they and their families will be returning to a farmer's life. Unlike when they first fled, women are well aware of the alternatives to the life of a Lao peasant farmer. Many women aspire for their children to have a lifestyle and an education that they would not have if they returned to rural Laos.

Hmong women also expressed concerns for their own interests, power, and comfort. Many said that they do not like polygynous relationships, and they believed that modern Laos still widely practiced polygyny, especially among the Hmong. Some women expressed distaste at the activities in which they might have to participate in returning to Laos: planting opium, engaging in upland rice farming, pounding rice, and carrying water. Women think that if they return to Laos, they will have to do all of these with very little assistance from the men. Women generally believe that if they go to America, their lives will be different. They will have to work hard, but they will not be in the "sun and rain" all the time.

Unlike the men, Hmong women worry less about themselves and their husbands if they resettle in the West. But they worry a lot about themselves and their husbands--being arrested or killed--if they return to Laos. Women fear that they will be left alone to care for the children and to live through the pain of not knowing where their husbands or sons have been taken to, and whether or not they are still alive.³ The UNHCR, Thai and Lao governments constantly emphasize that such a thing doesn't happen to the returnees. The women, however, said the reality is that there are still a few cases like this among the Hmong who

never fled Laos. To prevent this grave concern from happening, Hmong women prefer to resettle in the USA, but not return to Laos.

As the above discussions indicate, Hmong men and women have different concerns, views, and rationales in regards to decision-making about their future. Although most Hmong women are not educated and have not had much experience in public affairs and decision-making as Hmong men, their decision-making rationales seem as reasonable to meet their needs as the men's are for theirs'. Both women's and men's preferences to resettle or repatriate reflect the advantages each of them perceive will obtain in their own lives by making one choice or the other. Unfortunately, it is only men whose voices are heard.

CASES OF HMONG REPATRIATES

A. Going Home

In April, 1992, I observed a Thai-Lao border repatriation movement from Chiang Kham Refugee Camp, where four Hmong families voluntarily repatriated to Laos. These families knew the date of their departure and they were well prepared for it. They were excited and looked forward to going back home.

However, when we arrived at the Thai-Lao border, we met with another group of repatriates from Ban Napho camp. There were six Hmong families who were the "screened-out" refugees. They claimed that they had been forced to repatriate. They told me that Thai guards came to their residence at 4:00 a.m. and arrested the heads of household. The guards took them to the Ministry Of Interior office in the camp. They told the rest of the family members to pack and be ready to leave the camp by 7:00 a.m. These people were so traumatic by this experience that each time they arrived at a check point, they fearfully grouped together wondering what would happen next. They were totally unprepared and had no idea as to where they were going to return to in Laos. About an hour before departing to Laos, the Lao officials announced that the returnees who had not choose a place to return to must go back to the village where they lived before coming to Thailand. Since the six screened-out families did not come from the same province in Laos, they were separated at this time into three boats going to three different provinces where they came from. Each boat had both the voluntarily repatriates and the "forced" screened-out repatriates. As they were boarding the boats, the voluntarily repatriates were grateful that they finally could go home. Seeing the Mekong river for the first time since they last crossed it was a big deal to them. But for the "forced" screened-out repatriates, they were very stressful, helpless and frightened by everything. For these people, each step they took closer to Laos is like a step toward death. This was the fear they described inside them.'

Women travelling alone or with small children appeared much more anxious and stressed by the journey than those accompanied by adult males. The former did not know their itinerary, how long they would stay at the transit center, who would help them transport their belongings, who would accompany them, and sometimes where they were going. Hmong women who could not speak or communicate with the Lao officials seemed tense, skeptical and confused. In one case a Hmong widow travelling alone with a six year old son seemed especially distraught. She did not want to return to the village of her deceased husband's family, but was being required to do so. In 1990, she had fled the country and went to Chiang Kham camp after her husband's death because she did not get along with her husband's family in Laos. She wanted to remain with her sister in the camp but was "screened-out." Now she had to go back to the same village where she had had troubles before. Being illiterate and speaking little Lao or Thai, this young Hmong widow was clearly vulnerable and alone.

B. Starting a New Life in Laos

In July, 1992, Ms. Chagnon and I interviewed six repatriated Hmong families, all living within two hours drive from the capital city of Vientiane. I summarize here several common points they made:

- They have all integrated into their villages with no recrimination.
- No one from UNHCR or the Ministry of Social Welfare had come to their home or village to inquire about them.
- No one knew where to go if they had repatriation problems.
- Dual-parent households had less economic hardship than single-parent ones.
- Widows and divorced women who return unaccompanied by other adults have more adjustment problems than widows living within large families.
- The families who received assistance from the UNHCR used the money to buy paddy rice land for farming and building materials to build houses on their relatives' land; the money given by UNHCR was not enough to buy their own land to build houses.⁵
- All repatriates agreed that life in Laos was less stressful compared to their lives in the camps prior returning to Laos.

- Repatriates agreed that discrimination against ethnic minority groups in Laos is still very much alive.

We also interviewed a Hmong widow at a village about two hours drive from the city of Vientiane. We call this widow, Vang (not her real name). She is the second wife and a mother of a nine-year old son and two younger daughters. Vang, her husband and his first wife fled to Thailand in 1986. The first wife has only one child, a son. After three years in Ban Vinai, they were screened out. Shortly after, the Thai guards came to their residence and arrested the whole family. They were taken to a jail outside of the camp. The wives and children were placed in one jail, and the husband in another.

After the seventh day, the Thai guards told the wives that their husband had died. The guards took the two sons with their father's body back to Ban Vinai camp for his relative to perform a funeral. The guards said they would take the wives the next day but that never happened.

Shortly after the two sons got back to Ban Vinai Refugee Camp, their relatives declared them as orphans, so they could qualify to resettle in the U.S. under one uncle's sponsorship. Now the sons are in America.

Four days after the husband's body was taken away, the Thai guards told the two wives that they must give all their money to the guards in order to attend the husband's funeral. After doing so, the wives were deported at gunpoint to Laos. They pleaded to see their sons one more time; the guards asked for more money, but the wives had none. The wives feared greatly for their lives as they were deported back to Laos. When they arrived in Laos, the only thing they had was their husband's watch. They sold it to pay for their bus fares to get to their brother-in-law's village. The first wife got a visa to America in 1991, so she is with her son now. Vang and her daughters now live with her deceased husband's brother. Vang received no assistance (rice or cash) from the UNHCR. She did not think the UNHCR even knew that she and her family were arrested and being forced back to Laos.

Vang missed her son a lot and want to obtain a visa to visit him in the U.S., but the U.S. Embassy in Vientiane would not issue a visa for her because she still has her two small daughters with her.

Vang and her daughters live with her deceased husband's brother and his family. She worked with them in their upland fields about two hours bus ride from home.

CONCLUSION

This paper has illustrated that Hmong refugees in Thailand are no longer a homogeneous group that shares the same views and desires in regards to their futures. The men and older generations who highly value traditions and political power want

to repatriate when political and economic conditions in Laos have improved. The women and younger generations who are aspired for a modern lifestyle want to resettle in the U.S. Hmong women in the camps have no part in decision-making about resettlement or repatriation. Constant misinformation and rumors circulated in the camps play a major part in the indecisive of Hmong refugees to resettle or repatriate.

There were screened-out Hmong refugees who said they were being forced to repatriate to Laos. But there were also Hmong refugees who volunteered to repatriate. All of the repatriates I interviewed in Laos have integrated into local villages. No one reported any persecution or arrested by the Lao government. Most repatriates agreed that discrimination against ethnic minority groups in general is still existed in Laos.

In terms of refugee women's participation in refugee camp programs and policy, women are underrepresented and their voices are not solicited or heard in making programs and policy. The question arises as to why this problem is still going on despite the continuing efforts of the U.N. Decade of Women(1975-1985), many governmental initiatives in the U.S., and the recent UNHCR efforts to address the special circumstances and needs of women.' It is tempting to consider the continuing invisibility of women to ignorance and sexism on the part of camp officials and administration. However, considering the high profile and enormous policies devoted to the issue, there may be other deeper principles at work that concern gender but do not end there. Perhaps this problem of lack of representation by refugee women is "embedded in the assumptions of a liberal and enlightened planning philosophy that 1) they seem right," and thus are hard to analyze critically and 2) they are so common that the problems faced by Hmong women refugees is similar to the problems faced by other women recipients or other lower classes.'

Western policy makers need to look critically and closely at which people they are supposed to communicate and participate with. They cannot view the Hmong population in the refugee camps or in the U.S. as a singular, equal, and homogenized group called "the Hmong People." If policy makers want to be successful in their efforts to help the Hmong people, they cannot continue to call for only one leader or spokesperson to represent the Hmong people. They must learn to distinguish the differences among the Hmong people, such as class, age, gender, political affiliation, and rank. Policy makers must look critically at how and by whom groups are represented. They must advocate for multiple voices from the different segments of Hmong community and structures for participation that will most draw this diversity. In the case of refugee women in the camps, this advocacy might have meant administrative negotiation for informal arenas of dialogue, separate representative forums for women, or designated slots for women in camp administration.

RECOMMENDATIONS

The Hmong population in Thai refugee camps is found to be internally diverse, hierarchical, or divided. The different gender and class preferences or desires for relocation are not acted on, their wants are not met, and their behaviors are not understood by camp officials. To achieve a fair treatment or equal representation for all the Hmong people, I make the following recommendations for policy makers and implementers:

- 1) The U.S. need to advocate that camp policy makers be willing to carefully but actively promote representation of the diverse segments of Hmong population in policy-making, administration, and implementation. Gender biases in participation and collaboration, such as ethnic, class, and other biases, need to be addressed with practical strategies of advocacy, innovation, and negotiation on the part of all levels of policy makers and program implementers.
- 2) The U.S. needs to keep the door open for resettlement for the Hmong, who were the staunchest ally of the U.S. during the Indochina War.
- 3) The U.S. should work with the UNHCR to find resolution of political tensions between the LPDR and resistance groups in Laos in order to assure the safety of the Hmong male returnees.
- 4) The U.S. needs to press the UNHCR to re-examine and monitor carefully the cases of all vulnerable women in the camps and already repatriated to Laos. The review should include not only those widowed, divorced, and without a male spouse, but also women in a polygynous relationship or "abandoned" as a result of resistance fighting.
- 5) The U.S. needs to open its door for the mothers, widows, children of Hmong men who formerly worked for the U.S. directed and funded "secret army." These people have endured enormous hardship since the Indochina War because their sons, husbands, and fathers were never present to assist them. They received no compensation for the lost of their men. The U.S. can never bring these women's loved ones back to life, but America can give them a home and a chance to build their new lives.
- 6) There is so much misinformation, rumors, and misinterpretation on repatriation and resettlement options in the camps that make Hmong refugees become indecisive. This could be clarified by sending a U.S. delegation who are knowledgeable about the reality of life in the U.S. and in Laos to communicate directly with the Hmong refugees in the camps.

7) For the Hmong refugees who had already repatriated or want to repatriate in the near future, the U.S. should continue to inquire about their safety with the UNHCR and the Lao government. The U.S. should press the UNHCR to make available the following assistances to the returnees:

- Access to land for cultivation and building houses, household equipment, money, clothing, food, and tools.
- Advocacy and counseling programs for women in the camps and inside Laos, staffed by females who can speak Hmong.
- Special assistance for vulnerable women, especially female heads of households who are widowed, divorced or abandoned, while in the camps and inside Laos.
- Access to modest loans and appropriate training for securing their livelihood.

ENDNOTES

1. The ideas and concepts in this whole paper are taken from Cha and Small (1994); Cha and Chagnon (1993). See these two papers for further analysis on Hmong women in Thai refugee camps.

2. These figures are provided by Refugees International on April, 1994.

3. Amnesty International gives some support to the women's fears. AI reported that 24 Lao political prisoners, who had been detained for "re-education" for more than 15 years without trial or charge in Houa Phan Province, were released in May, 1991. However, nine other Lao political prisoners were detained without charge in the same province and three other prisoners, arrested and detained in 1990, are still being detained in Vientiane without trial or charge (Amnesty International 1991, pp.1-5).

4. When I learned that these six families were being forced to repatriate, I asked the UNHCR officials why didn't they do something. I was told that the UNHCR could not do anything because these families were screened-out as nonrefugees. They were classified as illegal aliens in Thailand. The UNHCR could not do anything to stop the Thai government from sending them back to Laos. However, when I got back to Bangkok, I questioned the higher level of UNHCR officials there, they told me that the UNHCR was responsible to provide protection for the screened-out refugees as well.

5. In 1992, the UNHCR's assistance package for each repatriate consisted of 2,000 baht, 28,000 kip, and three bags of rice (100 kilos per each bag). This was supposed to last for 18 months.

6. For instance, the Percy amendment (1973) in the U.S.; the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (1981); the number of world conferences, such as the World Population Conference (1984). Refugee women have been affected by several UNHCR initiatives to protect, mainstream and/or integrate refugee women into the planning process including the following policy statements: Refugee Women and International Protection (1987), Refugee Women (1988), and the Nairobi Forward Looking Strategies for the Advancement of Women (1989), and the recent UNHCR Policy on Refugee Women (1992).

7. See Cha and Small (1994) for further discussion on this concept.

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Democratic Chao Fa Party of Laos

Officers

Pa Kao Her
President

Pa Kao Moua
Vice-President

Ya Thao
Secretary

Sayabury, Laos

April 26, 1994

Mr. Chairman, Members, and Esteem Guests;

First of all, allow me to extend my cordial greeting to all of you who are interested or concerned with the tragic fate of the Hmong and the other ethnic groups of Laos.

Laos has the tragic misfortune of being prey coveted by Vietnam. Vietnam has great ambitions to absorb Laos into its "Indochinese Federations", which is well known to all. We see by the Lao history that the Lao people have endured cruel humiliations, mourning, miseries, and sufferings upon the day of North Vietnam installed their puppet government and began their illegal occupation of Laos in 1975.

During the Vietnam War, the United States spent billions of dollar to preserve freedom and democracy in Laos. However, dictatorship and corruption by the Royal Lao leaders prevented Laos from working toward democracy. After Laos became communism in 1975, the former Lao leaders fled with their wealth, leaving the ethnic groups behind to face poverty and tragedy under the Communist's rule. The most serious threatened group--THE HMONG--faced extermination. The Lao communists labeled those Hmong who choose to stay in Laos are puppets to the Americans and being blamed for all things happened during the U.S. Secret War in Laos.

Therefore, the Lao communists have planned to exterminate every Hmong male from adults to babies. As the extermination programs against the Hmong and the re-educational programs against the Lao former civilian officials intensified, many had no other choice, but to flee into Thailand or choose to defend themselves from the Lao communist genocidal policies. In the past 18 years, the Lao Communist government has never stopped using military and chemical warfare against the Hmong and other ethnic groups. They massacred thousands of civilian people, burned crops, raped women in front of their hand-cuffed families, tortured and murdered innocent people. Hmong had no rights to protection their sense of belongings in Laos. The Lao communist government seals the opportunity to appeal to outside world.

We, the Hmong can not take it any more with this kind of inhumane treatment. Therefore, in 1975, we felt that we must protect our families and restore freedom and democracy in Laos. We, the Hmong and other ethnic groups have stood up and fought against the Laos government. We stood up to defend our homeland for 18 years without surrendering and we will continue to prevent our territory until there is a workable plan to solve the ethnic problems and restore Laos to be democracy again.

Today, the Eastern Bloc countries and some of the Soviet Sovereign Republics are able to restore freedom and democracy. In Laos, the present Lao Communist government do not care about the new change of the world affecting them. The old hard-liners are still in power and do not want to give up power and refuse to abandon their positions. We are alone on our struggle and regret to say that the United States government and some freedom loving countries still maintain strong relationships with the Lao Communist dictatorship. They do not show the same commitment to political change in Laos as they did in the countries of Eastern Europe.

Since a new change for freedom and democracy in Laos is far away and very hard to reach, I do not understand why the United Nations High Commission for Refugees (UNHCR) and Thailand started to repatriate our Hmong refugees back to our former enemy, the Pathet Lao Communists. This repatriation program has been started three years ago, but both the UNHCR and Thailand encountered serious discontent from the Hmong refugees themselves. Today, the lives of all Hmong refugees are in danger. Mr. Vue Mai, one of the very important key person for the repatriation disappeared in Laos more than six months without any information. More than 7,000 Hmong bought their ways from the camps to the Democratic Chao Fa territory to seek safety for their families. At this moment, no one is happy to return home under the U.S. and UNHCR plan. They are now under the freedom fighters' protection. The Democratic Chao Fa has no food, no medicine, and no clothing for these people. They are crying for helps. So, we strongly urge you, our former ally--the United States, the United Nations, and our friendly countries that love freedom to help these people through this critical situation so that our refugees can be secured, protected, and freed.

As a matter of fact, I strongly advise you that the refugee repatriation program alone will never succeed as long as the communist government keeps refusing to cooperate with the negotiation process with the Chao Fa. Therefore, I urge the Lao communist government that a workable solution should be established with the Chao Fa as soon as possible before putti any further refugee repatriation programs in Laos. Without solving the real cause, the refugee returnees will face endanger their lives under the communist leadership. Because refugees will not be forgiven, may I ask:

Does the United States realize that the more they support the dictatorship in Laos, the more innocent civilian people will suffer and be killed? The Communists will never stop their extermination

program using military forces and any other means to wipe out the Hmong and other ethnic groups who favor freedom and democracy.

Does the U.S. government remember that the U.S. Secret War in Laos was a part of the U.S. fight against world communism? The Hmong were directly recruited by the U.S. to rescue U.S. downed pilot, collect information from the North Vietnamese, and sabotage North Vietnamese supply convoys along the Ho Chi Minh trails. This is why the communists will never forgive us.

Laos is still a communist country. There is no freedom, peace, or security for those fought the communists. Refugees should not go back to Laos unless they are under the protection of our freedom fighters.

For many generations, the Hmong and many other ethnic groups have faced serious discrimination. Now, under the single party system of the Pathet Lao, the situation for the Hmong is much worse than before. The LPDR government focuses only on the low land Lao communist party members in the cities. They ignore the needs of the different groups, leaving them in the countryside with the lowest literacy on earth. Nevertheless, they accuse the Hmong of rejecting modernization. And it is not true. We can prove to you how the communists treat the Hmong minority inside Laos.

All the factors above prove that the former and current lowland Lao leaders--whether under a monarchy or communism--discriminate against the minority groups. This practice must cease. We can not longer take this kind of suffering. A true democracy will exist in Laos when the low land Lao abandon their unjust and inhumane practice toward the minorities.

In order to develop a durable solution to the problems of the Lao ethnic groups and the communist regime, I urge the U.S. government, the United Nations, and other free countries to consider the following four points:

First, please stop the Communist extermination program against the Chao Fa immediately. We welcome a fair and workable peace negotiation with the PLDR government.

Second, ensure equal rights, equal opportunity, freedom, and liberty for all citizens of Laos regardless of race, ethnic, sex, religion, or creed. All ethnic minorities must have rights to participate in the local and national government. Discrimination against ethnic groups and against illiterate people must be stopped immediately.

Third, our culture and language are created by Gods--not by our own choice. The government should ensure the protection and preservation of the rights to live, to self-government, and to equal opportunity for all ethnic groups. One can not violate the natural rights of the others.

Fourth, when the Pathet lao government accept freedom and democracy concepts and adopt the multi-party system, we, the Democratic Chao Fa Party and other ethnic groups will cooperate with them.

Since many refugees in the camps in Thailand are dependents of the Chao Fa freedom fighters, the Pathet Lao government does not welcome them. To lay down the Chao Fa's arms would be like suicide. The Democratic Chao Fa Party experienced this since June 1975 after the U.S. pulled out of Southeast Asia, and I will never let this happen again to my people. I urge that the UNHCR and Thailand be more sensitive to this issue and find a peaceful political solution to this matter before putting a repatriation program into effect. The Democratic Chao Fa Party will lead refugees back to Laos when we can assure their security and well-being.

Finally, I beseech the U.S. and the free world countries to understand our cause. We, the Democratic Chao Fa Party will fight for freedom, democracy, and human rights for all people in Laos. I ask for your support in abolishing human right violations, stopping the genocide against the Hmong, and establishing a free democratic government in Laos as soon as possible. We want to see our country and our people have opportunities to enjoy freedom as you do here in America and elsewhere.

God bless you, God bless America, and God bless the Democratic Chao Fa Party.

Thank you very much.

Addressed by Mr. Pa Kao Her
President of the Democratic Chao Fa Party of Laos



United States Department of State

Washington, D.C. 20520

May 20, 1994

Dear Mr. Chairman:

Following the April 26, 1994 hearing at which Acting Director Phyllis E. Oakley testified, additional questions were submitted for the record. Please find enclosed the responses to those questions.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Wendy R. Sherman

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

Enclosures:

As stated.

The Honorable
Gary L. Ackerman, Chairman,
Subcommittee on Asia and the Pacific,
Committee on Foreign Affairs,
House of Representatives.

Question for the Record Submitted to
Phyllis E. Oakley, Acting Director
Bureau for Refugee Programs
House Foreign Affairs Committee
Subcommittee on Asia and the Pacific
April 26, 1994

Question:

How many Hmong language speakers are there at the Embassy in Vientiane? Has RP considered funding such a position to monitor returnees?

Answer:

There are currently no Hmong language speakers at the American Embassy in Vientiane. Four embassy officers, as well as the United States Information Agency (USIS) public affairs officer, are language qualified in Lao. While it would indeed be valuable to have a Hmong speaker on the Embassy staff, in actual practice Lao speakers at the Embassy and UNHCR are able to communicate directly with most Hmong. An American rural settlements officer who has long experience working with UNHCR in Laos, and who is a fluent Lao speaker, estimates that 95% of Hmong men and 70% of Hmong women speak Lao. Direct communication with most Hmong is therefore possible in the Lao language. Communication with non-Lao speaking Hmong is only a matter of going through a Lao-speaking Hmong interpreter.

RP has not, to date, considered funding a position for a Hmong speaker at the Embassy. Given the pervasive use of the Lao language by the Hmong, we believe it is both more cost and program effective to make sure there are sufficient Lao speaking staff with both the Embassy and UNHCR to provide sufficient coverage of returnees. At the same time, in any future discussions with UNHCR about adding additional monitoring staff in Laos, we would be willing to urge that HCR explore the possibility of recruiting a Hmong-speaking expatriate.

Question:

2. What is the human rights situation in Laos?

Answer:

- o Laos remains one of the last Communist-controlled states in the world. The Lao People's Revolutionary Party (LPRP) is the primary source of political power in the state. Prime Minister Khamtay Siphandone is chairman of the LPRP's Central Committee.

- o Although the 1991 Constitution of Lao People's Democratic Republic (LPDR) calls for the protection of basic human rights, these rights remain restricted in practice.
 - Freedom of speech and assembly remain tightly controlled by the government, although Thai television and radio broadcasts are widely received in Laos.

 - The practice of Buddhism is tolerated, as the government had coopted Buddhism as a means of influencing the Lao population. The practice of other faiths is permitted although proselytizing and contacts with foreign religious organizations is strictly controlled.

-- There are provisions in both the Constitution and the Penal Code for protection of the accused, but these have not been effectively implemented. People may be arrested on unsupported accusations and without being informed of the charges or the accuser's identity.

-- Arrests, trials, and convictions are frequently not announced, making it impossible to obtain the exact number of political prisoners.

o The Lao people do not have the ability to peacefully change their government, nor does the government tolerate peaceful political dissent.

-- Three former Lao government officials, imprisoned since 1990, were sentenced to 14 years in prison in November 1992 for advocating multiparty democracy.

-- The USG has also expressed concern over the life imprisonment sentences of three members of the Royal Lao government which were handed down in November 1992.

o The government recently rescinded its law which required

Lao citizens and foreign residents to obtain internal travel permits prior to undertaking any domestic travel.

- o The stated policy of the LPDR has been to welcome back those that fled after the Communist takeover in 1975 with the exception of some 30 individuals who were tried and convicted in absentia. Some returning Lao have successfully petitioned to regain their property in Laos. Lao who have returned under the auspices of UNHCR have been permitted to retain belongings they accumulated outside of Laos. Returning refugees do not appear to be subjected to either discrimination or persecution by either the Lao government or other Lao citizens.
- o Despite restrictions on civil liberties, the government does not appear to resort to violence as a means of controlling its citizens. The police do not appear to use torture or abuse during arrest and detention. There were no reports of political killings by the government in 1993.
- o The government has begun to work on developing a legal system with a codified body of laws consistent with the Constitution and its economic and legal reform policies.

Question:

How are returnees monitored? Does the Embassy have a human rights officer whose responsibilities include monitoring returnees?

Answer:

The United Nations High Commissioner for Refugees (UNHCR) has the first and major responsibility for monitoring returnees in Laos. HCR currently has one officer who devotes a significant amount of her time to monitoring. She gives priority to investigating allegations of mistreatment. Additional indirect monitoring is done through general visits to group repatriation sites by other HCR officers. In other visits to more remote areas, an HCR officer may request that officials call in several returnees to district centers from their scattered individual locations.

Another level of monitoring is done by organizations that work in the provinces with repatriates. One such organization is the American non-governmental organization (NGO), the Consortium, which is financed by the U.S. through an earmarked contribution to UNHCR. The Consortium is involved in community development activities for returnees in rural areas of Laos. Another is the International Organization for Migration (IOM) which is funded by the Department of State to provide reintegration assistance to returning Hmong.

Finally, in answer to the second part of the question, the Embassy in Vientiane does not have a human rights officer as such. There is an officer who combines political and economic reporting (which includes the human rights portfolio) with responsibilities for monitoring refugee and resettlement programs in Laos. This officer does not have a regular schedule for visiting returnees, but he does monitor the welfare of returnees as part of his other responsibilities.

Question:

When were travel restrictions lifted in Laos? Have embassy officers visited provinces formerly off-limits? Can NGO staff travel overnight?

Answer:

The Lao government announced on April 5 that travelers wishing to undertake domestic travel in Laos would no longer be required to obtain internal travel documents (laissez-passer). While the policy decision has been made, there are still some questions about how the policy will be formally implemented. The decision affects the entire country, except for certain unspecified areas. This new policy applies to both Lao citizens and foreigners (residents and visitors).

There are no provinces as such which were off-limits to embassy personnel, although access to prisons, military bases or special zones, or areas in which the resistance had been active could be denied in the absence of a convincing reason for going to those places. The Embassy's political/economic officer, who is responsible for refugee reporting had twice been denied access prior to the new policy to visit resettlement sites in Xiang Khouang province, reportedly because the provincial office was undergoing reorganization. However, other embassy officers have gone to Xiang Khouang on other business, and the Embassy fully expects that the

political/economic officer will be able to reschedule his proposed travel.

NGO staff, who work on repatriation matters, can stay overnight outside of Vientiane, but they must stay at guesthouses or hotels rather than at the repatriation sites. Their permanent residences, however, must be in Vientiane.

Question:

In which Laotian provinces have Hmong been resettled?

Answer:

More than half of the Hmong who have returned have resettled in group sites. The others returned individually. Hmong have returned to live in five Lao provinces: Vientiane, Xieng Khouang, Saingabouli, Louang Prabang and Bokeo. Others have gone to Vientiane Prefecture, which encompasses an administrative area that includes Vientiane city. The list of provinces is in approximate order from highest number to lowest number of returnees. The provinces cover large areas of central and western Laos, but do not include any of the areas in the southern panhandle.

Question:

Could you provide more information on the case of Ngo Van Ha, an unaccompanied minor who fled Vietnam to Hong Kong and was recently resettled in the United States?

Answer:

Ngo Van Ha arrived in Hong Kong by boat in 1990 at the age of 12. In accordance with standard practice under the Comprehensive Plan of Action (CPA), he was interviewed by the U.N. Special Committee for Vulnerable Persons and Unaccompanied Minors, which recommended that he be returned to Vietnam to live with his aunt and uncle. Ha refused to return to Vietnam, claiming that he was abused for years by his uncle with whom he and his brother, Ngo Van Son, lived until the two brothers left the country in 1990.

In accordance with the Comprehensive Plan of Action (CPA), the U.S. is unable to resettle unaccompanied minors who have been denied refugee status except upon the recommendation of the UN Special Committee.

Based on a February 1994 assessment of his home situation in Vietnam, the Special Committee reversed its original decision and recommended that Ha be resettled in the United States, where he has relatives. Ha was subsequently approved for refugee status by the U.S. Immigration and Naturalization Service and was resettled in the U.S. on April 12. He is now living with his relatives in San Gabriel, California.

Question:

What is the status of Vietnamese asylum-seeker Ngo Van Son, the brother of unaccompanied minor Ngo Van Ha who recently arrived in the U.S. from Hong Kong?

Answer:

Ngo Van Son arrived in the Philippines by boat in June 1990 at the age of 16. In accordance with standard practice under the Comprehensive Plan of Action (CPA), he was initially screened as an adult by Filipino government officials to determine whether he had a genuine refugee claim based on internationally-accepted refugee eligibility criteria. He was found not to qualify for refugee status under these criteria. He appealed the decision, but Filipino Immigration officials affirmed the original decision. His case has been reviewed by representatives of the United Nations High Commissioner for Refugees (UNHCR) in the Philippines, who concur with the original determination.

Ngo Van Son is now 21 years old. His only viable option at this point is to return voluntarily to Vietnam. The United States supports programs for voluntary repatriation and "return without objection" of individuals such as Ngo Van Son whose cases have been thoroughly examined and found not to qualify for refugee status. The United States does not support

requests for exceptions for non-refugees that will undermine the CPA and the efforts of the UNHCR and first-asylum countries in Southeast Asia to encourage the voluntary repatriation of screened-out asylum seekers to Vietnam.

The U.S. is providing up to \$4 million directly to non-governmental organizations for reintegration projects in Vietnam to assist those who have voluntarily repatriated from first-asylum camps in Southeast Asia and Hong Kong. UNHCR monitors conditions affecting returnees and provides them with reintegration assistance.

To date, some 61,000 persons have returned voluntarily to Vietnam under this program, and there is no evidence that any of the returnees have been persecuted by the Vietnamese Government.

The U.S. conducts immigrant visa processing in Ho Chi Minh City as part of the Orderly Departure Program (ODP). In the event that Ngo Van Son returns to Vietnam, he may still apply for normal immigration to the U.S. through ODP. When Ngo Van Ha becomes a U.S. citizen, he may file a Fourth Preference immigrant visa petition on behalf of his brother, Ngo Van Son, with the Immigration and Naturalization Service, in accordance with U.S. immigration law.

AFFIRMATION OF NGO VAN SON, PS 3992, DOB 18/12/73

1. My name is NGO VAN SON, PS# 3992, currently residing at Philippines First Asylum Camp (PFAC), commonly known as Palawan Camp. I would like to affirm the followings:
2. I am the immediate and elder brother of NGO VAN HA, YOB 1977. I lived with NGO VAN HA until 2/1980. I understand he was given VRD # 210/80 upon arrival in Hong Kong in 1980 and is still being detained in Tai A Chau Detention Camp, Hong Kong until now.
3. Our father is NGO VAN CHANH, YOB 1951. He was an ARVN 1st Lieutenant, army serial # 71/209819, MPO 4884, from 1971 - 1975. After 1975, he was re-educated from 1975 - 1977 at camp A33. In 1980, the house was confiscated and he and his family were deported to the SONG HINH REZ. In 1982, he and his family fled from the REZ due to life-threatening conditions. He died of a car crash in 1988. (Further details can be found in the attached Decision and Appeal.)
4. Our mother is LE THI HOA, YOB 1954. In May 1983, the family house was confiscated and she went to the REZ with her husband. She fled from the REZ with her husband and family members in 1982. She died together with her husband in a car crash in 1988. (Further details can be found in the attached Decision and Appeal.)
4. I was born on 18 December 1973. I went to the REZ with my family when I was 7 years old in 1980. After my parents' death in a car crash in 1988, all my siblings - including NGO VAN HA - and I went to live with my aunt NGO THI THU and her husband HUB (I do not remember his surname and middle name).
5. My siblings and I were often mistreated by my aunt's husband. The details can be found in the attached Decision and Appeal. In July 1989, unable to endure further mistreatments at home and at school, my siblings and I attempted to escape from Vietnam with the money left behind by my parents, but we failed.
6. In December 1989, I was expelled from the house by my uncle-in-law due to conflicts between me and him and between me and his children.
6. I escaped from Vietnam on February 18, 1990 and arrived in the Philippines to seek asylum. About 4 months later, my younger brother NGO VAN HA escaped to Hong Kong.
7. In the Philippines, I was interviewed by the Philippines' Bureau of Immigration (BOI) in April 1991. I received the BOI's denial Decision (dated July 17, 1991) on January 23, 1992. A copy of the Decision is attached with this affirmation.
8. On February 22, 1992, I filed an Appeal against the BOI Decision. A copy of my Appeal is attached with this affirmation. In April 1992, I was re-interviewed by the Special Committee for Unaccompanied Minor. I am still waiting for the Special Committee's Decision on my case.
7. I hereby affirm: 1) my statements in the attached Decision and Appeal are truthful; 2) the attached Decision and Appeal are authentic photocopies of the originals.

Palawan, the Philippines, date: 18 December 1993

22m, NGO VAN SON PS # 3992
 NGO VAN SON, PS # 3992 of PFAC

This is the exhibit marked "PMB-
 referred to in the Affirmation.
 Affidavit of Pamela Maureen Bates
 Affirmed/sworn on 14th Dec
 before me,
 Bruce W.W. [Signature]
 Solicitor, Hong Kong

REFUGEES AND ASYLUM-SEEKERS FROM LAOS: PROSPECTS FOR RESETTLEMENT AND
REPATRIATION

The plight of the approximately 60,000 Laotian¹ refugees and asylum-seekers in camps in Thailand is one of the legacies of the civil war in Laos, and of United States involvement in Indochina. The large-scale movement of Lao to Thailand began in 1975, shortly after the communist Pathet Lao toppled a coalition government established after a 1973 ceasefire in Laos.² The bulk of those fleeing Laos just after the change in government were the highland peoples, particularly the Hmong but including Mien and others, many of whom had supported the United States war effort in Indochina. In addition to these so-called highlanders, many "lowland" Lao entered Thailand, their movement prompted in large measure by concerns about the political situation and by new policies that sharply restricted private enterprise and enforced collectivization of agriculture.

In fact, the fears of reprisal that motivated this movement appear to have been justified. According to a number of sources, there were serious violations of human rights and humanitarian law perpetrated by the Government of Laos against real and perceived political opponents, including detention without trial of thousands of persons, as well as indiscriminate attacks resulting in civilian deaths in the military effort to root out insurgents.³

By the beginning of 1976, some eight months after refugees began to enter Thailand in large numbers, more than 40,000 refugees were estimated to be in camps in northern and northeastern Thailand. The newly constructed Ban Vinai Camp in northeastern Thailand established itself as the major center in Thailand for Hmong refugees, replacing a temporary facility at Nam Phong, which was also in the northeast of the country.

Since 1975, about 100,000 highlanders (mostly Hmong) and about 122,000 lowlanders have been resettled in the United States. Despite this resettlement, there are still about 59,300 refugees and asylum-seekers from Laos in camps in Thailand. At this point, there are no major inflows of asylum-seekers, and the overall camp population is generally stable.⁴ The large majority of these people

¹ In this report, the terms "Lao" and "Laotian" are used interchangeably, and refer to all persons who are (or, before fleeing, were) nationals of Laos.

² Much of this historical background is drawn from Thomas P. Conroy, *Highland Lao Refugees. Repatriation and Resettlement Preferences in Ban Vinai Camp, Thailand* (Ford Foundation commissioned study, no publisher indicated, undated) (hereafter, *Highland Lao Refugees*), 3-5; and Lawyers Committee for Human Rights, *Forced Back and Forgotten, the Human Rights of Laotian Asylum Seekers in Thailand* (hereafter, *Forced Back*) (New York, Lawyers Committee for Human Rights, 1989), 6-9.

³ See, e.g., *The Amnesty International Report for 1975-1976 and 1977* (Amnesty International, London); *Country Reports on Human Rights Practices for 1979, 1980, and 1981* (U.S. Government Printing Office, Washington, DC); and *Forced Out*, at 6-10.

⁴ These figures, and the figures on camp population that follow, come from two sources: an unpublished State Department "Fact Sheet on Lao/Hmong Repatriation and Resettlement"

Continued

are already classified as refugees, and live in one of two camps, Ban Vinai, with some 23,100 camp residents, and Chiang Kham, with about 19,100. Both Ban Vinai and Chiang Kham are almost exclusively highlander camps. About 7800 refugees, mostly lowlanders, live at Ban Napho. And there are about 2500 refugees at Phanat Nikhom Processing Center, some 180 refugees at Phanat Nikhom Transit Center, and about 10 refugees at Suan Plu Detention Center. In addition to these Lao classified as refugees, there are about 6600 Lao asylum-seekers in "screening centers"⁵ who either have not yet undergone a refugee determination process or have undergone the process and have been screened out (i.e., determined not to be refugees). There are about 1200 at Chiang Kham Screening Center, 5200 at Ban Vinai Screening Center, and about 200 at Nong Saeng Screening Center. Highlanders are screened at Chiang Kham and Ban Vinai, while lowlanders are screened at Nong Saeng.

SCREENING OF ASYLUM-APPLICANTS AND REPATRIATION

Until the middle of 1985, all those Lao entering Thailand and obtaining asylum were declared to be refugees.⁶ In 1985, authorities in Thailand began to implement what appeared to be a policy of pushing back asylum-seekers from Laos. Aware of the Thai Government's intention to slow (or stop completely) the influx of asylum-seekers but concerned that the measures chosen were in conflict with internationally recognized humanitarian standards, U.S. and international organization officials urged that the Thai authorities institute a procedure for refugee screening. And in July of 1985, the Thai Government instituted refugee screening procedures.⁷ Shortly thereafter, in October 1986, the United Nations High Commissioner for Refugees and the Government of Laos agreed to a

(hereafter, "State Department Fact Sheet") made available to the Foreign Affairs Committee in June 1991; and a U.S. Embassy-Bangkok report on Lao refugees and asylum-seekers for the period ending June 30, 1991. Copies of both documents are available at the Subcommittee on Asian and Pacific Affairs. Figures appearing above have generally been rounded to the nearest hundred.

⁵ The term "screening" refers to an administrative process by which national authorities determine whether a person meets the internationally recognized definition of a refugee and is therefore entitled not to be returned to his country of origin. See footnote 6, *infra*.

⁶ The International Convention and Protocol on the Status of Refugees defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." For several years following 1975, any person who was able to flee Indochina, including Laos, and obtain first asylum in Thailand was automatically granted refugee status without having to prove the validity of his or her refugee claim, and was provided with the opportunity for resettlement in a third country.

⁷ The screening procedures that were implemented at this point were subject to a number of criticisms. In particular, concerns were raised that the criteria for obtaining refugee status had as much to do with the prospects that the individual in question would have resettlement opportunities in third countries as it did with whether the applicant had a fear of persecution. Moreover, there were concerns that institution of screening procedures did not end the practice of push-backs of Laotian asylum-seekers. See *Forced Out*, 21-29.

U.S. and UNHCR officials now seem to feel that screening procedures are generally fair, although the delegation did not have the opportunity to scrutinize closely the current screening procedures. Based on its own visits to the region, however, at least one private refugee organization, Refugees International (RI), has stated that it is concerned about apparent inconsistencies from one case to another in the application of criteria relevant to decisions on refugee status. RI also expresses concern about a lack of easily accessible written information about screening procedures, including information about the possibility of appealing negative determinations.

procedure for return of screened out asylum-seekers. Under the agreement, the names of such persons were to be submitted to the Government of Laos for approval, after which they would return to Laos. Under the procedure the United Nations also accompanies the screened out asylum-seeker to the border and to a reception center in Laos. The program also operates for those Lao who choose to return to Laos without having undergone screening.⁸

Most of those screened out since 1985 have been lowlanders. And while many lowlanders have returned to Laos voluntarily (some choosing to return without having been screened, others choosing to return after being screened out), U.S. officials acknowledge that some lowland Lao have, in essence, been deported from Thailand. Until January of this year, screened out highland Lao were almost never deported.⁹

The issue of deportation of lowland Lao has not been a source of controversy. According to one U.S. official, the State Department has never had complaints about the return of lowlanders. The Department and other observers appear to believe that lowlanders have understood they will be returned to Laos if they are screened out, and have simply not resisted such return.¹⁰

It is not surprising that mandatory return of lowlanders has not been controversial. Unlike the highlanders, who—even before the civil war in Laos—had a history of uneasy relations with the central government in Laos, lowland Lao are of the same or similar ethnic and cultural heritage as those who have traditionally governed Laos. In addition, lowlanders were less closely associated with the U.S. war effort in Indochina than were the highlanders. These factors have reduced the fear and the likelihood of persecution of lowlanders upon return to Laos.

Since 1980, more than 8000 Lao in Thailand have returned to Laos voluntarily under the auspices of the UNHCR, and some 500 screened out asylum-seekers have also been returned with UNHCR assistance. Again, the overwhelming majority of these people have been lowlanders. In addition, the UN estimates that some 30,000 asylum-seekers have returned spontaneously to Laos, and that an additional 4000 Lao will return to Laos (voluntarily, according to U.S. officials) pursuant to an April 1991 accord between Laos and China.¹¹

The screening program in Thailand for asylum-seekers from Laos was incorporated into an international "Comprehensive Plan of Action" (CPA), agreed upon in Geneva in June 1989. The CPA, which was supported by the UNHCR, the governments of Laos and Vietnam, and the governments of the major first asylum and resettlement countries for Indochinese refugees, endorsed refugee screening procedures for Lao and Vietnamese in countries of first asylum. It also reaffirmed support for first asylum for all asylum-

⁸ "State Department Fact Sheet."

⁹ According to U.S. officials, four members of the Yao ethnic group were deported to Laos in 1990. U.S. officials seem unaware of any other recorded instance of a deportation of a screened out highland Lao.

¹⁰ The delegation was not able to verify independently that lowlanders have never resisted return to Laos.

¹¹ *Fact Sheet on Lao/Hmong Repatriation and Resettlement*, updated by subsequent conversations with the State Department Refugee Bureau.

seekers and resettlement of those determined to be refugees, and endorsed voluntary return of those determined not to be refugees.¹²

THE DILEMMA: HOW TO ENCOURAGE DURABLE SOLUTIONS

Policy-makers concerned about Laotian refugees and asylum-seekers face a dilemma that is uncharacteristic of virtually all other refugee situations around the world: what to do with refugees who are eligible for resettlement but who choose to remain where they are. Most of the Lao currently in camps in Thailand are eligible for resettlement in the west, the majority in the United States. But most say they are not ready to go.

In fact, in a mid-1990, Ford Foundation-commissioned study of refugees in Ban Vinai camp, which is composed almost exclusively of highlanders (nearly all of whom are Hmong), researchers found that 53.9% of those surveyed in the camp would prefer repatriation to resettlement as a durable solution (i.e., the final disposition of their cases).¹³ In view of the history of conflict between highlanders and the Laotian authorities, this result would appear to be somewhat surprising. It is more understandable, however, in view of another finding: that four out of five families stated an unwillingness to return to Laos unless there are significant political changes.¹⁴

Of the families surveyed, 46.1% expressed a preference for resettlement, but more than 70% of this group of families said that they intended to resettle sometime after 1992. Respondents offered many reasons for resettlement delay, such as the concern that elders within the family did not wish to leave the region, the desire not to leave behind relatives still in Laos, language problems, and the existence of a polygamous relationship, which is a legal basis for denial of an entry into the United States. Significantly, of all the reasons provided, not one of them was given by more than 19% of the respondents.¹⁵

While in Thailand, I was told that an important factor in the decision to delay resettlement and repatriation was the influence of Hmong leaders in refugee camps and in third countries. For years, many of these leaders have been associated with the Hmong resistance effort. I was told that for this reason, the Hmong leadership has opposed any durable solution that might legitimize the current situation and government in Laos. For resistance supporters, to accept repatriation would be to acknowledge that the Government of Laos might not be determined to persecute returnees. And while accepting resettlement as an option would preserve the contention that returnees might face fierce persecution, it would also acknowledge the permanency of the government in Laos.

¹² The parties to the CPA were not able to achieve consensus on mandatory return of those determined not to be refugees. During the Geneva Conference, the United States and Vietnam were the principal opponents of mandatory return.

¹³ *Highland Lao Refugees*

¹⁴ How the respondents defined "significant political changes" varied. Some called for the departure of all Vietnamese from Laos, and others called for a return to power of the former government. Younger families, with less direct knowledge of the pre-1975 period, expressed a general desire for "freedom." See *Highland Lao Refugees*, at 29.

¹⁵ *Highland Lao Refugees* at 13.

THE POLICY CONTEXT: THAI RELATIONS WITH LAOS

As a result of my meetings in Thailand, I believe it is inevitable that Laotians in camps in Thailand will have to choose between resettlement and repatriation over the next several years. In a meeting during the mission, the Secretary General of Thailand's National Security Council, Suwit Suthanukul, indicated clearly to me that the Lao refugee presence in Thailand will not be a permanent one. He also indicated that the Thai Government has no intention of aiding the Lao insurgency, and that there was no prospect that the insurgency could (or should) play a role in challenging the Government of Laos.

Whether or not Thai authorities have ended all support that may have been provided to insurgents, it is clear that the Government of Thailand has embarked on a rapprochement recently with the authorities in Vientiane, which has included enhanced diplomatic contacts, as well as new aid and trade agreements. It also seems clear that, in view of these developments, Thai officials believe that a long-term presence of Laotian refugees is neither necessary nor helpful to Thai security or political interests in the region.¹⁶

CONCERNS ABOUT RETURN

It was within this policy context that, earlier this year, reports began to circulate about the forced return of Laotians from Thailand to Laos. According to one news article, Thailand was "planning to force the repatriation of 1700 Hmong tribesmen who fled Laos after the defeat of anti-Communists in the Vietnam War." The article went to declare that, if:

forced back across the border, the Hmong, who fought on the U.S. side during the war, would face the vengeance of the Communist Pathet Lao government, which has publicly called for their extermination.¹⁷

Following publication of this article, there were reports that such a push-back did indeed take place.

U.S. officials question the accuracy of the article and the subsequent reports. They maintain that there is no credible evidence to suggest that the Government of Laos has called for the extermination of the Hmong. In fact, they maintain that the Government has no intention to persecute those who choose to return. Regarding the alleged push-back, U.S. officials are similarly skeptical. They maintain that despite serious investigative efforts they have undertaken, they have been unable to confirm the reported push-back.

Upon return to Washington, the delegation received additional, detailed information on this purported push-back from private non-governmental sources who appear to have contacts with the Lao resistance. According to this information, the purported push-back involved civilians and combatants associated with one of the Lao resistance leaders. The group was purportedly living in a border en-

¹⁶ The delegation was told by one informed observer that Thai officials may also wish to make areas where refugee camps are now located available for development purposes, and this may serve as an additional incentive to find durable solutions to the Lao refugee issue. This report, however, could not be confirmed by the delegation.

¹⁷ *U.S. News and World Report*, June 10, 1991, at 23.

campment on the Thai side of the border, and the group members were reportedly not registered with the UNHCR.

The delegation has recently provided the Administration with information supplied by these non-governmental sources. I would urge Administration officials to interview these sources and, if the information they provide contains new and credible evidence that such a push-back did take place, to raise with Thai authorities the push-back issue. It would also be important for the Administration to undertake efforts to ensure the well-being of any of those who may have been forcibly repatriated.

Even if such a push-back did not occur, concerned and impartial observers have noted that small groups of Lao insurgents encountered by Thai military in border areas may well be at risk of being pushed back into Thailand. And while the Thai authorities have indicated it is not Thai policy to force members of Lao resistance groups into Laos, military actions on the ground do not always reflect official policy.

To be sure, the authorities in Thailand have every right to demand that Lao insurgents choose to end their military activities in Laos and be disarmed in order to gain asylum. The authorities should not, however, engage in push-backs that deny insurgents the opportunity to make such a choice.

In this respect, I am encouraged by statements from Thai officials indicating that such push-backs will not occur, and I urge officials to take measures to ensure that this policy is communicated to all levels of the Thai military.

Other reports circulating prior to the mission indicated that the Thai authorities had forcibly deported from Chiang Kham camp to Laos some 200 screened out asylum-seekers in January, April and May of this year. Although the Thai authorities had already repatriated several hundred screened out Lao prior to January, the most recent reports raised concerns because the persons believed to have been deported were highlanders who had clearly manifested their desire not to return to Laos. As indicated above, nearly all of the previous screened out deportees had been lowlanders who reportedly did not manifest strong objections to repatriation.

Unfortunately, reports of forced repatriation of screened out highlanders were accurate. And while I was informed that the UNHCR had, prior to the deportations, reviewed dossiers assembled on the cases and was present during the trips from Thailand to Laos, I am indeed concerned that forcible repatriation will have a negative impact on the effort to obtain a durable solution to the Lao refugee issue.

Although neither the U.S. Government nor the UNHCR has evidence of persecution of returnees, highlanders in the camps have understandable concerns about persecution upon return, based on their own and their families' historical experience in Laos. Moreover, highlanders contemplating return need to know that there will be adequate facilities in place in Laos (such as schools, health facilities, roads, etc.) upon their return. I believe that continuing to implement forced return of the screened out while camp residents are not confident that they can return in safety and dignity would create great uncertainty and distress in the camps, and could severely diminish the prospects for a successful repatriation program.

For one thing, such practices might encourage those classified as refugees but contemplating repatriation rather than resettlement to choose resettlement instead, thereby greatly taxing the absorptive capacity of the United States and other resettlement countries.

In addition, institution of forced repatriation of the screened out without there being adequate facilities to absorb returnees and adequate personnel to monitor conditions could jeopardize the well-being of those who do return.

For these reasons, I was gratified by the comments of Thai National Security Council Secretary General Suwit Suthanukul. The Secretary General indicated clearly that Lao should return in "safety and dignity." And while he stated that all the Lao in Thailand would ultimately have to choose resettlement or repatriation, he also said that the Thai authorities would encourage voluntary repatriation and would not force the Lao out of Thailand.

I note that the Secretary General's comments are consistent with recent Thai Government actions, in which the authorities have ceased the practice of forcible return of screened out asylum-seekers.

The Secretary General also discussed the "Outline of the Plan for a Phased Repatriation and Reintegration of Laotians in Thailand," a document that was devised in a tripartite commission composed of officials of the Governments of Laos and Thailand, as well as officials of the United Nations High Commissioner for Refugees. The "Outline," which contains preliminary findings and recommendations, envisions a coordinated effort to create conditions for successful repatriation, to take place over a period of three and one-half years. The Secretary General indicated that this period was the minimum amount of time needed to implement the program, that his government was flexible on the time period, and that it could not force these people out of Thailand.

The "Outline" reaffirms that Lao refugees who return to Laos will do so voluntarily. It also indicates that asylum-seekers who have not yet undergone screening will only return to Laos on a voluntary basis. With respect to those rejected for refugee status in the screening process, the document indicates that such persons will return "without the use of force in safety and dignity." I hope that this phrase will be interpreted to preclude any coercion directed at those who are screened out. (See Appendix I for the relevant provisions of the "Outline," which are contained in the "Guiding Principles" subsection of the "Main Recommendations" section.)

CONCERNS ABOUT CONDITIONS FOR CAMP RESIDENTS

I am concerned by reports of Thai Government plans to transfer both refugees and asylum-seekers from areas where they have been living to areas where they will experience much less favorable living conditions.

Such transfer has already begun from Ban Vinai camp. Some highlander residents of that camp have been moved to the more crowded Chiang Kham camp, and this movement appears to be part of a Thai Government plan to shut down Ban Vinai by the end of 1992.

Thai Government plans with respect to screened out asylum-seekers are also a source of concern. Currently, newly arriving highlanders are screened at Chiang Kham, while newly arriving lowlanders are screened at Nong Saeng. In addition, some 5000 previously unregistered highlanders are being screened at Ban Vinai. Reports suggest that the Government of Thailand appears to be considering plans to put all those asylum-seekers who are ultimately screened out into Nong Saeng and Ban Napho camps.

This is not good news for the thousands of highlanders who might be moved to these camps, as the camps are in lowland areas far away from the clan and family members with whom these highlanders have been living.

I should add that such movements of highlanders may well be strongly opposed by Hmong communities in third countries, and thereby create a political controversy that will adversely affect efforts to build broad support for the program of voluntary repatriation.

I believe that the authorities should avoid transfer of refugees and asylum-seekers if the quality of life in areas to which they are being transferred is inferior to that in the areas from which the refugees and asylum-seekers have come. I also believe that those who are screened out should not be subject to living conditions significantly different than those accorded refugees. The populations in question are, after all, relatively stable, and Thai officials could maintain a humane approach without considerable strain on existing resources.

I would encourage the authorities to adopt a flexible approach on the issue of exactly when Ban Vinai camp will be closed, to better ensure against transfer of refugees and asylum-seekers to areas where conditions are inferior. While the desire of authorities to encourage voluntary return and third country resettlement is understandable, these outcomes should not be effected through subjecting refugees and asylum-seekers to overcrowding and other difficult conditions.

LAO GOVERNMENT POLICY TOWARD REPATRIATES

I was encouraged by my meetings in Laos. Soubanh Srithirath, Vice Minister for Foreign Affairs, indicated that the Government of Laos was willing to accept all those who wished to return to Laos. In response to a question about safety for those who return, the Vice Foreign Minister indicated that returnees would not be subject to any mistreatment. He said that more than 8000 Lao have already returned with the assistance of the UNHCR, and that about 28,000 have come back spontaneously. He indicated that these people have been reintegrated into villages and provinces of Laos.

The Vice Minister emphasized the need for assistance for repatriation. He pointed out that the UNHCR had estimated that several million dollars would be needed initially to support the repatriation efforts, but that UNHCR officials had indicated that the organization only had about \$300,000 on hand.

MAJOR FINDINGS AND RECOMMENDATIONS

1. The UNHCR and the Government of Thailand should continue to emphasize voluntary, rather than forcible repatriation.

I welcome the apparent decision of Thai authorities not to forcibly repatriate screened out asylum-seekers. I believe that avoiding the use of forced repatriation will help to allay anxieties within the camps, and thereby provide officials with a better opportunity to educate camp residents about the feasibility of return. I also believe that it will provide officials with time necessary to enhance the capacity of the Government of Laos to accommodate the needs of those who do choose to return.

I would also urge the Thai Government to attempt to ensure against the practice of push-backs—of either combatants or noncombatants—by Thai military units and other authorities who that might not fully appreciate Thai Government policy on this issue.

2. The U.S. Government should make additional efforts to verify recent reports of a major push-back of Hmong from Thailand and seek to ensure the well-being of any persons who have been forcibly repatriated.

Although the administration doubts the accuracy of a recent report alleging the push-back of some 1700 Hmong from Thailand to Laos, the delegation, following our return to Washington, received detailed information about this purported push-back from U.S.-based non-governmental sources who appear to have contacts with the Lao resistance. I would urge the Administration to interview these non-governmental sources and investigate this issue further if such information provides any new and credible evidence that such a push-back did take place. If so, it would be important for the Administration to raise the push-back issue with the Thai authorities and to undertake efforts to ensure the well-being of any of those who may have been repatriated.

3. The UNHCR and the Government of Thailand should permit concerned observers, including non-governmental organizations, access to information on screening procedures.

The UNHCR and U.S. Government officials seem satisfied that the refugee determination procedures for Lao in Thailand are fair, and are in conformity with internationally recognized standards. The delegation, however, did not have the time to undertake a careful review of the refugee screening procedures and, in particular, did not have the chance to assess the adequacy of interviews, the quality and consistency of decision-making, the completeness of the files that are prepared for cases, the thoroughness of UNHCR review of screened-out cases, and other important issues that would have a bearing upon fairness.¹⁸

¹⁸ The delegation did obtain some information on screening procedures at Ban Vinai during our visit to that camp. According to UNHCR, representatives of the organization sit in on some of the initial refugee determination interviews, which are conducted by Thai Ministry of Interior officials. Moreover, UNHCR indicated that it reviews case files of the applicants initially screened out by Thailand's status determination board, and that UNHCR can and does make submissions in support of appeals it believes are meritorious. With respect to such cases, the delegation did not determine whether it is UNHCR that actually appeals the negative decision, or whether it is the applicant who makes the appeal with UNHCR support. In addition, the delegation did not determine how, if at all, these procedures in Ban Vinai differ from procedures in screening centers at other camps. Both these issues, along with information on the kinds of

I do note, however, that based on its own visits to the region, at least one private refugee organization, Refugees International (RI), has stated that it is concerned about apparent inconsistencies from one case to another in the application of criteria relevant to decisions on refugee status. RI also expresses concern about a lack of easily accessible written information about screening procedures, including information about the possibility of appealing negative determinations.

Ascertaining that screening procedures are fair is important to ensuring that those screened-out asylum-seekers who eventually return to Laos will not be subjected to persecution. Moreover, a perception that screening procedures are fair will help to ease anxieties felt by asylum-seekers and their relatives abroad, and will thereby promote a general sense of confidence and well-being among the Lao community in Thailand and abroad.

For these reasons, and in view of previous criticisms of screening of Lao asylum-seekers,¹⁹ I encourage U.S. officials to monitor closely the screening procedures in Thailand²⁰ and attempt to facilitate efforts by concerned observers to study the procedures. If such monitoring reveals significant problems, U.S. officials should suggest improvements and any remedial action that may be necessary with respect to cases that might have been unfairly screened out. Moreover, I encourage Thai authorities to permit and facilitate such study, and, in general, to provide as much information as possible to both asylum-seekers and concerned observers about the procedures surrounding screening.

4. UNHCR, U.S., and Thai officials should work to maintain a system in which refugees are given free and informed choices between the options of resettlement and repatriation, and in which all asylum-seekers are made fully aware of policies that affect their lives.

I believe that the United States should continue to provide opportunities for the resettlement of Laotian refugees. I am also convinced that U.S. officials should strongly support voluntary repatriation as a durable solution. Based on my meetings with U.S., Thai, Laotian, and UNHCR officials, I believe that there is no pattern of mistreatment by Lao officials against those who have returned under UNHCR auspices.

To encourage voluntary repatriation, I believe that senior U.S. officials—including the U.S. Ambassador in Bangkok and the Charge d'Affaires in Vientiane—should meet with representatives of the Laotian refugees and asylum-seekers to provide information on policies—including and especially U.S. policy—of relevance to Laotians in Thailand. In such meetings, U.S. officials could describe efforts being made to ensure that returnees are not subjected to mistreatment in Laos and are provided with adequate facilities to ensure a successful transition upon return to Laos. They could

screened out cases that UNHCR deems (and does not deem) to be meritorious, the practical accessibility of the appeal process for applicants whose appeals do not have UNHCR support, the percentage of screened out cases that are appealed, and the percentage of appeals that are accepted, would be important subjects of further study.

¹⁹ See, e.g., *Forced Back*, at 21-29.

²⁰ I am not aware of any detailed study of screening for the Lao that has been conducted by U.S. officials in Bangkok.

also attempt to make sure that those in the camps are well aware of the inevitability of their having to choose resettlement or repatriation, and of the risks incurred in indefinite delay in making choices about these options.

Of course, in any such discussions with Lao refugees and asylum-seekers, U.S. officials would have to make it clear that due to the current Lao Government policy of restricting political dissent, those who intend to speak out vigorously and publicly against government policies upon return to Laos might indeed risk persecution.

I recommend such high level visits to help guarantee that the information communicated is clearly perceived as credible by the refugees and asylum-seekers in the camps. Refugee camps in Thailand and elsewhere in Southeast Asia are often rife with rumors about U.S. policy, and inaccurate information—such as information that suggests the U.S. in any way supports an insurgency in Laos—can only encourage ill-informed decision-making on the part of refugees and asylum-seekers.

5. To help ensure that those who are returned are not subjected to persecution—and that members of the Hmong community in the camps and in the United States are confident that this is the case—the monitoring effort for returnees should be strengthened, and the U.S. Embassy in Vientiane should play a role in monitoring conditions for those who do return.

There are at least two reasons I endorse augmenting the system of monitoring. First, the numbers of those who are expected to return are far in excess of the numbers who have already been repatriated, and even maintaining the current level of monitoring—the UNHCR estimates it has visited about one-half of the returnees who have been repatriated with UN assistance—will be a challenge.

Second, while it is true that there have not been reports of mistreatment of returnees, the overwhelming majority of returnees have been lowlanders rather than the highland Lao, who are most fearful of persecution. Moreover, the Government of Laos continues to impose serious restrictions on internationally recognized human rights, which is a cause for concern for those who have studied the refugee repatriation issue.

A monitoring system must provide for repeat visits to returnees, and must include a capacity to respond quickly to reports of possible abuses against returnees. One refugee organization, Refugees International, has suggested to the delegation that UNHCR augment its staff so as to enable it to conduct an initial visit to each returnee no later than 15 days after his or her return to Laos, and to conduct follow-up visits no less than every three months thereafter. I believe that officials should make serious attempts to develop and meet this or a similar kind of schedule of visits to returnees.

I support a proposal under discussion to attach a Hmong-speaking American to the U.S. Embassy in Vientiane to assist in the effort to monitor conditions faced by returnees. Such action would help to inspire confidence within the Hmong community in the refugee camps in Thailand and among their relatives abroad. And by permitting such an arrangement, the Government of Laos would communicate not only its dedication to the safety of the returnees,

but also its commitment to respond sympathetically to the fears of returnees and their families. This could only enhance the prospects for establishing an environment of reconciliation between the government and the returnees.

In a conversation with me in Vientiane, Soubanh Srithirath, Lao Vice Minister for Foreign Affairs, expressed reluctance to endorse the proposal for a Hmong-speaking American at the U.S. Embassy. In asserting that refugees and asylum-seekers have no reason to fear return to Laos, the Vice Minister seemed to imply that the proposal was unnecessary. I urge Lao Government officials to reconsider their apparent reluctance on this issue, as I believe their support of such an arrangement could go a long way toward enhancing prospects for the success of the voluntary repatriation program.

6. Thai officials should avoid transfer of either refugees or asylum-seekers from areas where they have been living to areas where they will experience much less favorable living conditions, and should adopt a flexible approach on the question of when Ban Vinai camp will be closed.

I am concerned by reports of transfer of highlanders from Ban Vinai camp to the more crowded highlander camp, Chiang Kham. This movement appears to be part of a reported Thai Government plan to close Ban Vinai by the end of next year. I am also concerned by reports of plans to move the screened out among the highlander population from highlander camps where they have been living—in some cases for a number of years—to lowland areas far away from clan and family members.

Such movements of highlanders will create unnecessary hardships. Moreover, the movements may well be strongly opposed by Hmong communities in third countries, and thereby create a political controversy that will adversely affect efforts to build broad support for the program of voluntary repatriation.

While the desire of authorities to encourage voluntary return and third country resettlement is understandable, these outcomes should not be effected through subjecting refugees and asylum-seekers to overcrowding and other difficult conditions. For this reason, I would urge Thai authorities to commit to reasonable and humane policy measures in this area. I would also encourage U.S. officials to raise with officials of the Thai Government the concerns I have described.

7. The United States should offer generous financial assistance to help implement a program of voluntary repatriation, and should encourage other donor nations to do the same.

The 1992 House Foreign Operations appropriations bill provides \$1.5 million to support voluntary repatriation to Laos, and I strongly support this measure. I recommend that the Senate adopt a similar provision, which would help ensure that the measure will become law. I also urge the Refugee Bureau in the Department of State to consider providing assistance to support voluntary repatriation prior to the 1992 fiscal year (which should begin on October 1, 1991).

The administration should seek to ensure that other donor nations provide assistance, and a strong U.S. commitment to offer aid might well encourage others to come forward with funds.²¹

8. In return for its willingness to support financially the program of repatriation, the U.S. Government should attempt to ensure that the program of repatriation involves development specialists, including non-governmental organizations, as well as refugees and asylum-seekers, in both planning and implementation.

I am concerned that the UNHCR and the Government of Laos, by themselves, may not have sufficient technical capacity and resources to accomplish all the tasks necessary to ensure the success of the voluntary repatriation program. In choosing repatriation sites, surveying refugee preferences, making judgments about carrying capacity of repatriation sites and about what infrastructure and resources should be in place, implementing programs of assistance, and avoiding inefficient and inappropriate use of development resources, the UNHCR and the Government of Laos would benefit greatly by the active involvement of non-governmental organizations with technical expertise on humanitarian and development aid issues. They would also benefit by the active involvement of those who will be most affected by the repatriation program: the refugees and asylum-seekers.

I understand the Government of Laos has expressed concern that NGOs involved in repatriation issues be politically neutral, and I am sensitive to this concern, which is a reasonable one. However, this concern can be accommodated without preventing active NGO involvement in the repatriation effort. In this respect, I welcome a statement by Vice Minister Soubanh Srithirath that his government would not, in principle, oppose NGO involvement, and I hope that arrangements in this area can be worked out at the earliest opportunity.

9. Human rights concerns should be high on the agenda of U.S.-Laos relations.

Ultimately, the best guarantee against persecution of returnees—and the best way to instill confidence on this issue among highlander communities in Thailand and abroad—would be a commitment by the Government of Laos to respect internationally recognized human rights. There are still serious restrictions on freedoms of expression, association and assembly in Laos. In fact, any Laotian refugee or asylum-seeker who actually intended to vigorously exercise these freedoms upon return to Laos might indeed face serious risks of arrest and imprisonment constituting persecution.

While there certainly have been human rights improvements in Laos, including the release of thousands of persons who had been confined in "re-education" or otherwise restricted since the mid-1970s, reports suggest that a number of persons originally sent for "re-education" remain restricted without charge or trial in Houa

²¹ I also believe it would be worthwhile to attempt to involve in the repatriation effort public international organizations that regularly provide financial aid and technical assistance for development projects.

Phanh province.²² Moreover, those who question policies of the government continue to be subject to human rights abuses. Late last year, three former government officials were arrested for advocating a multi-party political system. As of July 8, 1991, they remained in custody.²³

I understand that Lao officials may respond harshly to expressions of concern on human rights issues, and regard such expressions as improper interference in the internal affairs of Laos. Moreover, these concerns about U.S. interference can only be heightened as a result of the previous association between the United States and Hmong combatants during the period of U.S. military involvement in Indochina.

I nonetheless believe it important that U.S. officials continue to express concerns on international human rights issues, as successful efforts to encourage an environment of greater political tolerance will enhance the prospects for successful repatriation and reintegration of highlanders. Moreover, such diplomatic efforts are in conformity with international law and practice, and are consistent with normal diplomatic relations.

²² Amnesty International, "Lao People's Democratic Republic, Update on 'Re-education'", (AI Index: ASA 26/01/91, March 1991) The AI document refers to 33 persons who were restricted. The Subcommittee on Asian and Pacific Affairs has received subsequent information from Amnesty International suggesting that restrictions have been lifted on most, but not all, of these persons.

²³ Amnesty International, "Legal Concern: Laos: Thongsouk Saisangkhi, Latsami Khamphoui, Fang, and possibly several others" (UA 443/90, Amnesty International USA).

APPENDIX I

EXCERPT FROM THE "OUTLINE OF THE PLAN FOR A PHASED REPATRIATION AND REINTEGRATION OF LAOTIANS IN THAILAND." (FOURTH SESSION OF THE TRIPARTITE MEETING (LPDR/RTG/UNHCR) LUANG PRABANG, 27-29 JUNE 1991)

The excerpt that appears on the following pages is the "Basic Guiding Principles" subsection of the "Main Recommendations" section of the "Outline," which reflects a preliminary consensus among Thai, Lao, and UNHCR officials on how to approach the issue of repatriation of Laotians from Thailand to Laos.

III. MAIN RECOMMENDATIONS¹

A. BASIC GUIDING PRINCIPLES

1. *The repatriation should be planned within the frame work of the following basic principles:*

The overall responsibility for repatriation and reintegration primarily lies with the Governments concerned.

Repatriation is to take place under safe, humane and UNHCR-monitored conditions.

Those considered to be refugees, and asylum seekers, returning under the programme will do so on a voluntary basis, whereas those rejected in the screening process will be returned without the use of force in safety and dignity.

Returnees will benefit from assurances by the LPDR regarding their treatment on return.

Free choice, for group settlements, of settlement sites identified under the plans, will be allowed within the province chosen by the returnee.

UNHCR and implementing partners will have free access to the settlement areas in order to monitor the returnees and reintegration activities.

Rates of return will be suggested for each phase of the proposed plan of action on the basis of the improved absorption/implementing capacity, including local capacity.

2. *Assistance should be directed towards:*

The physical transfer of returnees from refugee camps to villages of origin or identified settlement sites.

The provision of basic assistance until a certain level of economic self-sufficiency has been achieved, taking into account the socio-economic level of the surrounding population.

The rehabilitation/creation of the basic physical and socio-economic infrastructure in the areas of return, such as schools, dispensaries, and water supply systems.

The re-establishment of basic economic activities.

The further consolidation of the economic base in the returnee receiving areas.

3. *Assistance to returnees should be delivered in Laos.*4. *Returnees should be fully informed of the repatriation programme and actively involved in the preparation of plans for repatriation, rehabilitation and development, as well as in the implementation.*

¹ Apply also, as appropriate, for returnees from resettlement countries (including Yunnan Province, China).

APPENDIX II

LIST OF INDIVIDUALS MET BY THE DELEGATION

- Mr. Martin Brennan, U.S. Embassy Refugee Section, Bangkok.
 Mr. Dennis Grace, Joint Voluntary Agency, Bangkok.
 Camp Commander Chamleun Yuthithamsakul, Ban Vinai camp.
 The Honorable Suwit Suthanukul, Secretary General, National Security Council, Kingdom of Thailand.
 Ms. Wathanee Pitaktao, Acting UNHCR Field Representative, Ban Vinai camp.
 Mr. Dewey Pendergrass, American Consul to Northeastern Thailand.
 Mr. Vang Xiong, Deputy Chairman, Hmong Committee, Ban Vinai Camp.
 Mr. Roger Harmon, International Organization for Migration, Bangkok.
 Mr. Patrick Del Vecchio, U.S. Embassy Refugee Assistance Unit, Bangkok.
 Mr. David Belskis, Save the Children Federation, Bangkok.
 Mr. Guy Ouellet, Acting Representative, UNHCR Bangkok.
 Mr. Charles Salmon, Jr., Charge d'Affaires, U.S. Embassy-Vientiane.
 Mr. Karl Wycoff, Deputy Chief of Mission, U.S. Embassy-Vientiane.
 The Honorable Soubanh Srithirath, Vice Minister for Foreign Affairs, Lao People's Democratic Republic.
 The Honorable Khamlieng Pholsena, Minister of Social Welfare and Veterans' Affairs, Lao People's Democratic Republic.
 The Honorable Somphavan Inthavong, Supreme People's Assembly, Lao People's Democratic Republic.
 The Honorable Bounmy Pabphavong, Supreme People's Assembly, Lao People's Democratic Republic.
 Mr. Vannavong Panya, International Organizations Department, Lao Ministry of Foreign Affairs.
 Mr. Sayakane Sisouvong, Department Two, Lao Ministry of Foreign Affairs.

DRAFT STATEMENT OF
PAUL PAO HERR
TO
THE HOUSE FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEE ON ASIA AND THE PACIFIC

APRIL 26, 1994

Thank you Mr. Chairman and members of the committee for giving me the opportunity to submit my testimony to you on my own behalf on the subject of the Hmong refugees. My name is Paul Pao Herr. I am the Treasurer of Hmong National Development, Inc. in Washington, DC.

We, the Hmong people, are at a major crossroads. Beginning in 1991, the Royal Thai Government which has hosted more than a million refugees from Southeast Asia since 1975 officially implemented a policy whereby the refugee camps still holding many thousand Hmong refugees will be closed by the end of 1995. Most of those refugees will eventually have to repatriate to Laos and some will have to move on to resettle in a third country.

During the past 3 years, a large number of Hmong in the refugee camps in Thailand have volunteered to be repatriated to Laos, while many more were unwilling to repatriate just yet. There were many reasons for refusing to consider repatriation, but the most troubling reason is that the Hmong refugees in the camps have received conflicting information from Hmong in the United States. Also, the screening process was not explained clearly enough to the refugees; this resulted in confusion, fear, and anger from Hmong in Thailand and abroad.

The Hmong people would like to see that security guarantees for the returnees are fully exercised before the repatriation can take place. Economic development projects inside Laos must also be funded and implemented to help the returnees and local residents. Once these issues are resolved, in addition to Hmong in the camps, a number of Hmong abroad will be willing to return to their homeland. Many will return, not as repatriates, but as economic development participants.

Certainly, the problem of the Hmong refugees is a complicated issue. The search for a permanent solution requires the participation of the refugees

themselves in the decision-making process and also a strong commitment on the part of the current Lao People's Democratic Republic government to economic, social, and political reforms. Therefore, as one of the new generation of Hmong in this country, I strongly submit to you that it is essential for the United States, the United Nations, and the International Community to be actively involved in the search for a permanent solution to the political problems in Laos.

We owe so much to the Royal Thai Government, the country from which more than a million refugees from Southeast Asia have sought first asylum. The Royal Thai Government bore the heaviest burden for the refugees' situation. We can never fully express our gratitude to the Royal Thai Government and, most of all, to the people of Thailand for their hospitality during our most critical and dangerous times.

Hundreds of thousands of us have meanwhile passed through the camps to resettlement abroad, which led some so called "experts" to conclude that the current population in the camps is wholly comprised of people who are simply biding their time -- waiting to return to Laos. In fact, I am willing to bet that a considerable number of those in the camps have always indicated a preference for resettlement in a third country, although they have often been misinformed or have misinterpreted information about both resettlement and repatriation policies and processes. The situation has endured to this day.

At some point, many having close family ties in the United States, will indeed want to resettle. The problem is that when these people are ready to apply for third country resettlement, they may well discover that the receiving countries, like the United States for example, have no program for them. However, I would like to ask the Royal Thai Government and the people of Thailand to continue their generous hospitality a little longer and join the search for a workable and permanent solution to the situation of the Hmong refugees. This will benefit all the

people in the region.

We owe another debt of gratitude to the third countries such as Canada, France, Australia, and especially to the people of the United States who opened their hearts to us, a people in despair, persecuted for our past history.

Many solutions to the problems of the Hmong refugees in Thailand are just band-aids while other solutions get bungled in red tape. The most effective way to enable Hmong refugees in Thailand to plan for their immediate futures, as well as long-term security, is to sponsor and organize a delegation of Hmong in the United States for the purpose of gathering information on repatriation and resettlement programs to be disseminated to Hmong in the refugee camps in Thailand and in the United States. I propose that assembling a delegation which brings together 8 of factual information to refugees in Thailand, Laos, and Hmong in the United States is critical to the success of this initiative. Diverse representation in the delegation will also minimize the misinterpretation or misrepresentation of information collected and disseminated. The delegation can observe programs first-hand, question program staff, and talk to participants. The first-hand dissemination of information will reduce widespread fear and assist the refugees in making appropriate plans for repatriation or third country resettlement.

Hmong refugee issues, however, are seldom able to compete with developments related to Vietnam and Cambodia. What makes the resolution of the Hmong issue nevertheless both urgent and compelling is the likelihood that it may soon develop into a serious international issue if not faced squarely and in a timely manner.

A general framework for dealing with durable solutions concerning the Hmong groups has yet to be established, as it has for the Vietnamese boat people in the form of the multi-laterally agreed upon Comprehensive Plan of Action (CPA).

It may well be time to examine the feasibility of such an approach. In the meantime, however, more information on the subject is needed. Analyses of the Cambodian and Vietnamese refugee situations abound, but there are very few inquiries into the Hmong dilemma. The Hmong refugees should be permitted themselves to shed light on the subject of durable solutions relevant to their problems.

It is a well known fact that Hmong refugees resettled abroad have had serious difficulties adjusting to the Western way of life. Reports in the United States of high welfare dependency abound, leading some to conclude that the Hmong refugees would be better off returning to Laos. These reports are simply inaccurate, outdated, and sometimes self-serving. Of course, concentrated areas where unemployment is high, such as many small cities in the central valley of California; Wausau, Wisconsin; and St. Paul, Minnesota, tend to have more Hmong on welfare. While some Hmong in such geographical areas still depend on public assistance just like many Americans, many more have become productive citizens over the past decade. Many of the Hmong spread across the country are productive citizens sharing the same responsibilities for paying taxes as most Americans do. To categorically label all Hmong as welfare dependents is very ignorant and self-serving.

Many of us foresaw the need for a national network to deal with Hmong issues. Concerned Hmong Americans have worked in partnership with federal, state, and local governments to improve conditions for Hmong communities in this country, resulting in the formation of a national Hmong nonprofit organization in 1993. The organization, Hmong National Development (HND), is dedicated to increasing the economic well-being and improving education for Hmong in the United States. The Board of Directors of this organization was elected by delegates from many Hmong communities throughout the United States.

Currently, there is much misinformation among the Hmong both in the U.S., and in Thailand and Laos. Hmong people are making decisions based on old information that is no longer valid or true. A national organization will help to disseminate current information to these communities. I am calling on you, the United States government, to continue your support for this organization in its efforts to integrate the Hmong people into American society.

Timing is critical, but we can accomplish much in a short time if the Hmong, especially the older generation, come to the same table and work together to find a solution to our refugee problem. If we continue to fight, argue, misinform, and sabotage one another, we will not be able to help ourselves as a people. If we are content to say "I hate this, I hate that or I want this, I want that", we will accomplish very little. It is true that this is a free country where people can say whatever they want, but let's all try to be part of a solution. We all become emotional when we talk about our friends and families in the refugee camps, but we have to direct these emotions toward finding a solution, and not just criticize one another.

Time is limited. At some point people must make decisions in order to get things started. The Royal Thai Government already has given 18 years of protection to the Hmong. The Lao People's Democratic Republic government has drastically changed since 1975. And remember, the U.S. Government will not continue to financially support Hmong forever. Today, I call on all the Hmong leaders to stop circulating conflicting information to the Hmong communities in the U. S. and in the refugee camps in Thailand. I encourage all of you to join hands together in searching for a solution to our problems.

I conclude this testimony by stating that the closing of refugee camps in Thailand doesn't mean the end of everything. The United Nations High Commissioner for Refugees is overseeing over ten million refugees in the world



right now. Everyone is not going to stop what they are doing and start talking about the 40,000 Hmong when they are faced with approximately 17 million other refugees. The United States government has been patiently helping us for the last eighteen years. Now, it's time for us to take an active role in determining our future. Even though there are some people who have a special feeling for the Hmong, we cannot depend on others to ensure our future. We have earned the respect of our allies for our commitment to ideals and our willingness to fight for our principles. Now, we Hmong, must preserve these principles and work together to solve our own problems. Together, we can succeed.

God bless America and God bless the Hmong people.



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